

Planning Committee

Tuesday 28 February 2017

A meeting of the above Committee will be held at the Town Hall, Royal Leamington Spa on Tuesday 28 February 2017 at 6.00pm.

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

Emergency Procedure

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

Agenda

Part A – General

1. Apologies and Substitutes

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

2. Declarations of Interest

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

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

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

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

3. **Site Visits**

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

4. **Minutes**

To confirm the minutes of the Planning Committee of 31 January 2017.

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Part B – Planning Applications

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

5. **W/16/2243 – Shire Hall, Northgate Street, Warwick** **(Pages 1 to 13)**
6. **W/16/2244/LB – Shire Hall, Northgate Street, Warwick** **(Pages 1 to 9)**
7. **W/16/1511 – Elmhurst, Honiley Road, Beausale** **(Pages 1 to 6)**
8. **W/16/2099 – Swallows Rest, Red House Farm Lane, Beausale** **(Pages 1 to 7)**
9. **W/16/2122 – Narrow Hall Meadow, Warwick** **(Pages 1 to 3)**
10. **W/16/2129 – 38 High Street & 1 Court Street, Royal Leamington Spa** **(Pages 1 to 8)**
11. **W/16/2194 – 37 Sherbourne Place, Clarendon Street, Royal Leamington Spa** **(Pages 1 to 3)**
12. **W/16/2291 – Hampton View, Henley Road, Hampton On The Hill, Budbrooke** **(Pages 1 to 7)**
13. **W/16/2301 – 24 Ashford Gardens, Whitnash** **(Pages 1 to 4)**
14. **W/17/0071 – 13 Spring Lane, Kenilworth** **(Pages 1 to 5)**

Part C – Other matters

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

Please note:

- (a) the background papers relating to reports on planning applications are open to public inspection under Section 100D of the Local Government Act 1972 and consist of all written responses to consultations made by the Local Planning Authority in connection with the planning applications referred to in the reports, the County Structure Plan Local Plans and Warwick District Council approved policy documents.
- (b) all items have a designated Case Officer and any queries concerning those items should be directed to that Officer.
- (c) in accordance with Council's Public Speaking Procedure, members of the public can address the Planning Committee on any of the planning applications or Tree Preservation Order reports being put before the Committee. If you wish to do so, please call 01926 456114 (Monday to Thursday 8:00am to 7:00pm, Friday 8:00am to 6:00pm and Saturday 9:00am to 1pm) or email

committee@warwickdc.gov.uk, anytime after the publication of this agenda, but before 12 noon on the working day before the day of the meeting and you will be advised of the procedure.

- (d) please note, that the running order for the meeting may be different to that published above, in order to accommodate items where members of the public - Have registered to address the Committee.
- (e) occasionally items are withdrawn from the agenda after it has been published. In this instance, it is not always possible to notify all parties interested in the application. However, if this does occur, a note will be placed on the agenda via the Council's web site, and where possible, the applicant and all registered speakers (where applicable) will be notified via telephone.

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

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

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

planningcommittee@warwickdc.gov.uk

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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 31 January 2017 in the Town Hall, Royal Leamington Spa at 6.00 pm.

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

Also Present: Senior Committee Services Officer – Mrs Barnes; Legal Advisor – Mr Gregory; Head of Development Services – Mrs Darke; Development Manager, Development Control Manager – Mr Fisher.

125. **Apologies and Substitutes**

- (a) There were no apologies; and
- (b) There were no substitutes.

126. **Declarations of Interest**

Minute Number 131 – W/16/2114 – 11 Park Hill, Kenilworth

Councillor Mrs Bunker declared an interest because the application site was in her Ward. In addition, she had received some correspondence relating to the matter but had not formed an opinion and felt she was able to approach the application with an open mind.

127. **Site Visits**

No site visits were undertaken prior to the meeting taking place.

128. **Minutes**

The minutes of the meeting held on 10 January 2017 were taken as read and signed by the Chairman as a correct record subject to an amendment to the Declarations of Interest (Min no 112) as notified by Councillor Mrs Stevens.

129. **W/16/1542 – Land at Common Lane, Kenilworth**

The Committee considered an application from Bloor Homes Ltd and Bluemark Projects Ltd requesting to vary condition 22 of planning permission W/14/1340. The original condition was "The mix of type and size of market dwellings submitted as part of any reserved matters application must accord with the recommendations contained within the most up to date version of the "Development Management Policy Guidance : Achieving Mix of Market Housing on new Development Sites".

The applicant was seeking to vary Condition 22 of the outline permission to enable the mix of housing in the development to be varied in order to ensure the scheme remained viable, in light of increases in infrastructure costs now anticipated.

PLANNING COMMITTEE MINUTES (Continued)

The proposal was to amend the condition to read "The mix of type and size of market dwellings submitted as part of any reserved matters shall be: 2 bed houses - 10%, 3 bed houses - 30%, 4/5 bed houses - 60%".

This item was considered alongside Minute Number 130, agenda item 6, W/14/1340 – Land at Common Lane, as it concerned the same development. However, the Committee voted separately on the applications.

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

The officer was of the opinion that the viability report submitted and Jones Lang LaSalle's (JLL) critical assessment of it suggested that the applicant's proposal to 'flex' the housing mix to ensure the scheme remained viable was justified and therefore planning permission should be granted to vary condition 22 as proposed. If permission was refused, Officers felt it was highly likely that the site would not be able to move forward to provide housing.

The following people addressed the Committee:

- Councillor Illingworth, Kenilworth Town Council, objecting;
- Mr Wells, objecting; and
- Mr Cox, applicant.

A motion to refuse the application was proposed by Councillor Morris and seconded by Councillor Ashford. It was felt that the proposal breached the Council's guidelines relating to the mix of housing by an excessive amount.

On being put to the vote, this motion was defeated.

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

The Committee therefore

Resolved that W/16/1542 be **granted** subject to the following conditions and a new S106 agreement:

- (1) application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of planning permission ref: W/14/1340, i.e. 23 December 2014. **Reason:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended);
- (2) the development to which this permission relates shall begin within three years of the date of planning permission ref: W/14/1340, i.e. 23 December 2014 or within two years of

PLANNING COMMITTEE MINUTES (Continued)

the final approval of the reserved matters, whichever is the later. **Reason:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended);

- (3) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) (B.0292_13, B.0292_13-2 461095-003 Rev.H, 461095-014 submitted on 25 September 2014 and 10 November 2014. Tree removal and tree protection plan Figure 2 submitted on 25 September 2014), and advanced stop line for cyclists as shown on diagram 1001.2 submitted on 12 December 2014 and specification contained therein. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

- (4) this permission is granted under the provisions of Article 4(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2010 as amended, on an outline application and the further approval of the District Planning Authority shall be required to the undermentioned matters hereby reserved before any development is commenced:-
- (a) layout
 - (b) scale
 - (c) appearance
 - (d) landscaping

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 as amended;

- (5) prior to the submission of any Reserved Matters applications for any phase of development:
- a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work across this site shall be submitted to and approved in writing by the local planning authority.
 - the programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI is to be undertaken. A report detailing the results of this fieldwork is to be submitted to the local planning authority.

PLANNING COMMITTEE MINUTES (Continued)

· An Archaeological Mitigation Strategy document shall be submitted to and approved in writing by the LPA. This should detail a strategy to mitigate the archaeological impact of the proposed development. Dependent upon the results of the trial trenching, this may include further archaeological fieldwork and/or the preservation in situ of any archaeological deposits worthy of conservation.

No development shall take place until any fieldwork detailed in the approved Archaeological Mitigation Strategy document has been completed to the satisfaction of the Planning Authority. The post-excavation analysis, publication of results and archive deposition shall be undertaken in accordance with the approved Mitigation Strategy document. **Reason:** In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected where applicable, before development commences in accordance with Policy DP4 of the Warwick District Local Plan 1996-2011;

- (6) no development shall take place under any relevant phase of development until a detailed lighting scheme for that phase has been submitted to and agreed in writing by the local planning authority. In discharging this condition the local planning authority expects lighting to be restricted around the boundary edges, particularly along hedgerows, where protected species are likely to be found, and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife. This could be achieved in the following ways:

- (a) low pressure sodium lamps should be used in preference to high pressure sodium or mercury lamps;
- (b) the brightness of lights should be as low as legally possible;
- (c) lighting should be timed to provide some dark periods; and
- (d) connections to areas important for foraging should contain unlit stretches.

Such works, and use of that lighting and/or illumination, shall be carried out and operated

PLANNING COMMITTEE MINUTES (Continued)

only in full accordance with those approved details.

Reason: To ensure that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties and to ensure that appropriate measures are taken in relation to protected species in accordance with Policies DP2, DP3, DP9 and DAP3 of the Warwick District Local Plan 1996-2011;

- (7) the development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO² emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

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

- (8) no development shall take place under any reserved matters consent until a scheme for that reserved matters consent has been submitted to and approved in writing by the local planning authority indicating how and when the 'Secured by Design' standards will be incorporated into the development. The scheme shall be implemented in accordance with the approved details and shall be retained at all times thereafter. **Reason:** To ensure Secured by Design standards are met, in accordance with Policy DP14 of the Warwick District Local Plan;

- (9) no part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection

PLANNING COMMITTEE MINUTES (Continued)

of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the local planning authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837: 2012, a Guide for Trees in relation to construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place without the prior consent in writing of the local planning authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **Reason:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;

- (10) the development hereby permitted (including demolition) shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the local planning authority. In discharging this condition the LPA expect to see details concerning pre-commencement checks for protected and notable species with subsequent mitigation as deemed appropriate. In addition appropriate working practices and safeguards for other wildlife dependent of further survey work, that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full. **Reason:** To ensure that protected species are not harmed by the development in accordance with National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Saved Policy DAP 3 of the Warwick District Local Plan;
- (11) the development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the local 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

PLANNING COMMITTEE MINUTES (Continued)

management, such as pond, wildflower grasslands, provision of habitat for protected species. Such approved measures shall thereafter be implemented in full. **Reason:** To ensure a net bio-diversity gain in accordance with the National Planning Policy Framework (NPPF);

(12) the development hereby permitted shall not commence until: -

(1) (a) 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; and
- the development of a method statement detailing the remediation requirements.

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

(c) 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 and shall be approved in writing by the local planning authority

PLANNING COMMITTEE MINUTES (Continued)

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 DP2, DP3 & DP9 of the Warwick District Local Plan 1996-2011;

- (13) the development hereby permitted shall not commence until a scheme detailing 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. **Reason:** To protect residents of the development from the adverse effects of traffic noise from outside the development in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;

PLANNING COMMITTEE MINUTES (Continued)

- (14) the development hereby permitted shall not be commenced 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. 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;
- (15) the development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which has been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for: the parking of vehicles of site operatives and visitors; 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 noise, vibration, dust, dirt and light during construction; and a scheme for recycling / disposing of waste resulting from demolition and construction works, unless otherwise agreed in writing by the local planning authority. **Reason:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies DP2, DP6, DP8 & DP9 of the Warwick District Local Plan 1996-2011;
- (16) no development shall take place unless and until a Low Emission Strategy addressing the requirements of the guidance for a medium scheme under the LES guidance and confirmation from the developer to provide EV charging points has been submitted to and approved in writing by the local planning authority. The Low Emission Strategy shall thereafter be implemented in strict accordance with the approved details. **Reason:** To ensure mitigation against air quality impacts

PLANNING COMMITTEE MINUTES (Continued)

associated with the proposed development, in accordance with Policy DP9 of the Warwick District Local Plan and the aims and objectives of national guidance within the NPPF 2012;

(17) the development hereby permitted shall be carried out in strict accordance with a drainage scheme and details of the following that shall have been submitted to and approved in writing by the local planning authority:

- The applicant is to provide detailed design plans showing the existing and proposed foul & surface water drainage systems for the site, showing the location of yard and road gullies, manhole's, soak ways, septic tanks, cess pits and pipes including size, shape, material, fall and level in relation to ground and building levels. This should include a manhole schedule.
- The applicant is to provide detailed engineering drawings of the proposed attenuation pond and any other SUDS features incorporated into the design of the site. This should include vehicle and pedestrian access to the proposed attenuation pond to allow for maintenance crews to access the area to maintain control structures and the pond.
- Where works are located within 8m of the watercourse the applicant must obtain land drainage consent from the Environment Agency
- The applicant is to obtain discharge consent from the Environment Agency as part of the application.

Reason: To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011;

(18) prior to any development commencing on site, full details of the design and appearance, including materials, of the bridge access into the site shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to the occupation of the development.

Reason: To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011;

PLANNING COMMITTEE MINUTES (Continued)

- (19) this phase of the development shall not commence until a rain water harvesting scheme for the whole of this phase has been submitted to and approved in writing by the local planning authority. This phase of the development shall not be first occupied until the works within this scheme have been completed and thereafter the works shall be retained at all times. **Reason:** To ensure that the re-use and recycling of rain water is facilitated within this phase of the development in accordance with the provisions of Policy DP11 in the Warwick District Local Plan 1996-2011 and the Sustainable Buildings Supplementary Planning Document;
- (20) any landscaping (other than the planting of trees and shrubs) approved under condition 1, including boundary treatment, paving and footpaths, shall be completed in all respects for that phase of development, with the exception of tree(s) and shrub(s) planting, within the first planting season following the first use of the dwellings within that phase and the tree(s) and shrub(s) shall be planted within six months of that first use. Any tree(s) or shrub(s) removed, dying, or becoming in the opinion of the local planning authority seriously damaged, defective or diseased within five years from the substantial completion of the scheme shall be replaced within the next planting season by tree(s) or shrub(s) of similar size and species to those originally required to be planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011;
- (21) the existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any tree(s) or shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, in the opinion of the local planning authority, seriously damaged or defective,

PLANNING COMMITTEE MINUTES (Continued)

within five years from the substantial completion of development shall be replaced, as soon as practicable with tree(s) and shrub(s) of such size and species details of which must be submitted to and approved by the local planning authority. All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces). **Reason:** To protect those landscape features which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011;

- (22) the mix of type and size of market dwellings submitted as part of any reserved matters application is to be agreed with the Local Planning Authority within the following parameters: 2 bed houses - 10-20%, 3 bed houses - 30-40%, 4 bed houses 55-65%. **Reason:** To ensure that the housing meets, as closely as possible, the needs of the District as required by Local Plan Policy SC1 and the NPPF as closely, taking into account the viability of the development;
- (23) no construction will be undertaken until a Construction Management Plan, which must contain a Construction Phasing Plan and HGV routing plan has been submitted and approved by the local planning authority. **Reason:** In the interests of highway safety, in accordance with Policy DP6 in the Warwick District Local Plan 1996-2011;
- (24) prior to the commencement of the development (not including alterations to the bridge structure), the access to the site from Common Lane shall be constructed, located and laid out in general accordance with drawing number 461095-003 Rev 1 (*Minor alterations may be required during the detailed design process*). **Reason:** In the interests of highway safety, in accordance with Policy DP6 in the Warwick District Local Plan 1996-2011; and
- (25) no infill material system material (soil) shall be imported to the site unless and until analytical test results for the material have been

PLANNING COMMITTEE MINUTES (Continued)

submitted to and approved in writing by the District Planning Authority. The analytical results shall demonstrate that the soil is suitable for its final use. Once the material is in place a further report shall be submitted to and approved in writing by the Local Planning Authority to confirm that the soil cover meets or exceeds the agreed capping depth.

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

130. W/14/1340 – Land at Common Lane, Kenilworth

The Committee considered an application from Bloor Homes Ltd and Bluemark Projects Ltd for the variation of the Section 106 agreement relating to planning permission W/14/1340. This application was for the erection of up to 93 dwellings together with open space drainage infrastructure and access from Common Lane.

The application was presented to Committee because outline planning permission had been granted by Planning Committee in December 2014. That permission was subject to a Section 106 Agreement which imposed a range of obligations on the developer. The applicant had now requested that the provisions of the Section 106 agreement be varied.

The applicant had requested that the level of planning contributions set out in the Section 106 Agreement be reduced from £1,782,735 to £1,159,227 in order to ensure the scheme remained viable, in light of increased infrastructure costs.

The report noted that the applicant was not seeking to reduce the level of affordable housing from the policy compliant 40% provision.

This item was considered alongside Minute Number 129, agenda item 7, W/16/1542 – Land at Common Lane, as it concerned the same development. However, the Committee voted separately on the applications.

The application was accompanied by a Viability Report and, in order to assess its validity, this had been referred to an independent consultant for assessment. Jones Lang LaSalle (JLL), on behalf of Warwick District Council, had undertaken a critical review of the viability information submitted along with further information they had subsequently requested.

The officer was of the opinion that the viability report submitted, and JLL's critical assessment of it, suggested that the applicant's proposal to reduce the level of contributions was required to improve the viability of the scheme. If the level of contributions required was not reduced, it was highly likely that the site would not be able to move forward to provide housing. The recommendation from officers was that Members should resolve to vary the Section 106 agreement to allow changes to the level of contributions as requested by the applicant.

PLANNING COMMITTEE MINUTES (Continued)

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

On the Chairman's casting vote, the Committee therefore

Resolved to vary the Section 106 agreement relating to permission W/14/1340 to allow changes to the level of contributions.

131. **W/16/2114 – 11 Park Hill, Kenilworth**

The Committee considered an application from Mr Connell for the removal of the existing roof to bungalow, new first floor accommodation to be added, a revised roof line and elevation changes to previous planning approval granted under W/15/1551.

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

The officer was of the opinion that the proposals were considered to be in accordance with the requirements of Policies DP1 (Layout and Design), DP2 (Amenity) and DP13 (Renewable Energy Developments) of the Warwick District Local Plan 1996-2011 and the provisions of the National Planning Policy Framework. It was considered that the proposed development would safeguard the character of the area and the enlarged dwelling would not adversely impact on the amenities of neighbouring properties. The officer therefore recommended that the application be granted.

An addendum circulated at the meeting advised that Condition 4 of the report had been revised to ensure that the railing feature proposed at first floor level, would be installed prior to the occupation of the extended dwelling in order to prevent any potential for overlooking to adjoining properties.

Mr Molitor addressed the Committee in objection to the application.

Following consideration of the report, presentation, information contained in the addendum and the representation made at the meeting, it was proposed by Councillor Stevens and seconded by Councillor Ashford that the application should be granted in accordance with the officer's recommendation.

The Committee therefore

Resolved that W/16/2114 be **granted** subject to the following conditions:

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

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) 02A, 03C & 04A, and specification contained therein, submitted on 18 November 2016 and 11 January 2017.
Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) the development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO² emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.
Reason: To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;
- (4) the rear flat roof area shall not be used as a balcony, roof garden or similar amenity area.
Reason: In the interests of the amenities of the occupiers of nearby properties in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011; and
- (5) prior to the occupation of the development hereby permitted, the rooflights in the south and north elevations shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed windows shall be retained and maintained in that condition at all times. **Reason:** To protect

PLANNING COMMITTEE MINUTES (Continued)

the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011.

132. W/02/1472 – Portobello Works, Emscote Road, Warwick

The Committee considered an application from Gallagher and Pettifer Estates requesting that the provisions of the Section 106 agreement attached to permission W/02/1472 in relation to affordable housing were varied.

Permission was granted in August 2004 for a residential and office Development plus a new road bridge across the River Avon together with appropriate supporting infrastructure.

The application was presented to Committee following deferment of the item at the Planning meeting held on 8 November 2016. The deferment was to allow for further information and clarification to be provided particularly with regard to the consideration of the quantum of the contribution to be paid in lieu of the provision of two affordable properties on site.

The officer was of the opinion that the proposed changes to the affordable housing provisions of the Section 106 Agreement were considered to be in accordance with the Council's policies and it was therefore recommended that the Section 106 Agreement be amended as requested.

Mr Bruno, Housing Allocations Manager addressed Members in relation to the affordable housing contribution.

Following consideration of the report and presentation made at the meeting, it was proposed by Councillor Cooke and seconded by Councillor Mrs Bunker that the Section 106 agreement be varied to allow changes to the affordable housing provision.

The Committee therefore

Resolved that the Section 106 agreement relating to application W/02/1472 be **varied** to allow changes to the affordable housing provision.

133. W/16/2028 – Woodside Farm, Harbury Lane, Bishop's Tachbrook

The Committee considered an application from Persimmon Homes (Central) Ltd for the substitution of house types on Phase 2 of residential development, creating an additional two units (Phase 2 was originally approved as part of planning permission number W/15/0305).

The application was presented to Committee because permission was subject to a legal agreement.

The officer was of the opinion that the proposals would have an acceptable impact on the living conditions of neighbouring dwellings and on the character and appearance of the area. Furthermore, the proposals were

PLANNING COMMITTEE MINUTES (Continued)

considered to be acceptable in terms of car parking and highway safety, affordable housing and section 106 contributions and the mix of market housing. Therefore, it was recommended that planning permission be granted.

Following consideration of the report and presentation made at the meeting, it was proposed by Councillor Mrs Bunker and seconded by Councillor Heath that the application should be granted as per the officer's recommendation.

The Committee therefore

Resolved that W/16/2028 be **granted** subject to the satisfactory completion of a satisfactory Section 106 agreement and the following conditions:

- (1) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) P-21, P-22, P-23, P-2-11, P-2-13 & P-2-14, submitted on 4 November 2016. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (2) the access arrangement hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved access drawing(s) TCP12/191/11/B003/005A, TCP12/191/11/B003/006A, and specification contained therein, submitted on 22nd August 2013. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) an application for the approval of a construction phasing plan of the development shall be submitted before the expiry of three years from the date of this permission. The development shall hereafter be carried out in accordance with the phases established in the phasing plan as approved by the local planning authority. **Reason:** To ensure the proper phasing of the development;
- (4) no development shall take place under any relevant phase of development until a detailed lighting scheme for that phase has been submitted to and agreed in writing by the local

PLANNING COMMITTEE MINUTES (Continued)

planning authority. In discharging this condition the local planning authority expects lighting to be restricted around the boundary edges, particularly along hedgerows, where protected species are likely to be found, and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife. This could be achieved in the following ways:

- a. low pressure sodium lamps should be used in preference to high pressure sodium or mercury lamps
- b. the brightness of lights should be as low as legally possible
- c. lighting should be timed to provide some dark periods
- d. connections to areas important for foraging should contain unlit stretches

Such works, and use of that lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details.

Reason: To ensure that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties and that appropriate measures are taken in relation to protected species in accordance with Policies DP2, DP3, DP9 and DAP3 of the Warwick District Local Plan 1996-2011;

- (5) none of the dwellings hereby permitted shall be first occupied until all the works within the fabric first energy efficiency scheme approved under condition 7 of planning permission no. W15/0269 have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;
- (6) no development shall take place until a scheme has been submitted to and approved in writing by the local planning authority indicating how and when the 'Secured by Design' standards will be incorporated into the development. The scheme shall be implemented in accordance with the approved details and shall be retained thereafter. **Reason:** To ensure Secured by Design standards are met, in accordance with

PLANNING COMMITTEE MINUTES (Continued)

Policy DP14 of the Warwick District Local Plan;

- (7) no development shall take place until a scheme has been submitted to and approved in writing by the local planning authority indicating how and when mixed open space facilities will be incorporated into the development, to include informal open space, appropriate children's play facilities, outdoor sport facilities and allotment gardens. The scheme shall be implemented in accordance with the approved details and shall be retained thereafter.

Reason: To ensure appropriate open space and recreational facilities are provided to serve the development in accordance with Policy SC13 of the Warwick District Local Plan 1996-2011;

- (8) no part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the local planning authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837: 2012, a Guide for Trees in relation to construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the grounds levels be altered or any excavation take place without the prior consent in writing of the local planning authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **Reason:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;

- (9) the development hereby permitted (including demolition) shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the local planning authority. In discharging this condition the LPA expect to see details concerning pre-commencement checks for protected and notable species with subsequent mitigation as deemed appropriate. In addition appropriate working

PLANNING COMMITTEE MINUTES (Continued)

practices and safeguards for other wildlife dependent of further survey work, that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full. **Reason:** To ensure that protected species are not harmed by the development in accordance with National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Saved Policy DAP 3 of the Warwick District Local Plan;

- (10) the development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the local planning authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as water bodies, native species planting, wildflower grasslands; provision of habitat for protected species. Such approved measures shall thereafter be implemented in full. **Reason:** To ensure a net biodiversity gain in accordance with NPPF;
- (11) the scheme detailing arrangements to protect residents of the development from excessive traffic noise that was approved under condition 13 of planning permission no. W13/1207 shall be implemented in accordance with the approved details and shall be retained thereafter. **Reason:** To protect residents of the development from the adverse effects of traffic noise from outside the development in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;
- (12) the development hereby permitted shall not be commenced 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. 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;
- (13) the development hereby permitted shall not commence until: -

PLANNING COMMITTEE MINUTES (Continued)

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

PLANNING COMMITTEE MINUTES (Continued)

method statement must detail how this unsuspected contamination shall be dealt with.

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

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

- (14) the development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which has been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for: the parking of vehicles of site operatives and visitors; 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, unless otherwise agreed in writing by the local planning authority. **Reason:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies DP2, DP6, DP8 & DP9 of the Warwick District Local Plan

PLANNING COMMITTEE MINUTES (Continued)

1996-2011;

- (15) no development shall take place within the application site, unless and until a programme of archaeological works and investigations has been secured and initiated in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. Should anything of archaeological significance found then no development shall take place unless and until an appropriate scheme for mitigation and conservation has been submitted to and approved by the local planning authority. Details shall be carried out as approved. **Reason:** In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected where applicable, before development commences in accordance with Policy DP4 of the Warwick District Local Plan 1996-2011;
- (16) no development shall take place until a scheme has been submitted to and approved in writing by the local planning authority demonstrating that surface water runoff does not exceed runoff from the undeveloped site and does not increase the risk of flooding off-site. Post development runoff volumes and peak flow rates will be limited to the Greenfield discharge rate for all rainfall return periods up to and including the 100 year plus 30% (for climate change) as outlined within the Flood Risk Assessment. On-Site surface water attenuation will be provided to the 1:100 Climate change (30%) standard using Sustainable Urban Drainage Systems. The site drainage strategy will demonstrate the appropriate assessment and adoption of SUDS techniques. The approved systems shall thereafter be retained and shall be managed and maintained in strict accordance with the approved details. **Reason:** To ensure that a satisfactory means of drainage is provided such as to minimise flooding, which promotes and maintains the good stewardship of the natural and built environment in accordance with Policies DP11 & DP3 of the Warwick District Local Plan 1996-2011;
- (17) the development hereby permitted shall be carried out in strict accordance with the details

PLANNING COMMITTEE MINUTES (Continued)

of surface and foul water drainage works that were approved under condition 19 of planning permission no. W13/1207. **Reason:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011;

- (18) the development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011;
- (19) prior to the allotments becoming operational, allotment sheds/ storage facilities shall have been provided in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. The

PLANNING COMMITTEE MINUTES (Continued)

development shall be carried out in full accordance with the approved details. **Reason:** To protect the visual amenities of the locality in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011;

- (20) the existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any tree(s) or shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with tree(s) and shrub(s) of such size and species details of which must be submitted to and approved by the local planning authority. All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces). **Reason:** To protect those landscape features which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011; and
- (21) the development shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **Reason:** To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual amenity in accordance with Policies DP1, DP2 & DP8 of the Warwick District Local Plan 1996-2011.

134. **W/16/2086 – Land at Woodside Farm, Harbury Lane, Bishop’s Tachbrook**

The Committee considered an application from Persimmon Homes (Central) Ltd for the substitution of house types on Phase 2 of residential development, creating an additional 28 units (Phase 2 was originally approved as part of planning permission number W/15/0305).

PLANNING COMMITTEE MINUTES (Continued)

The application was presented to Committee because permission was subject to the completion of a satisfactory Section 106 agreement.

The officer was of the opinion that the proposals would have an acceptable impact on the living conditions of neighbouring dwellings and on the character and appearance of the area. Furthermore, the proposals were considered to be acceptable in terms of car parking and highway safety, affordable housing and section 106 contributions and the mix of market housing. Therefore, it was recommended that planning permission be granted.

Following consideration of the report and presentation made at the meeting, it was proposed by Councillor Mrs Bunker and seconded by Councillor Heath that the application should be granted as per the officer's recommendation.

The Committee therefore

Resolved that W/16/2086 be **granted** subject to the completion of a satisfactory Section 106 agreement and subject to the following conditions:

- (1) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) P-31A, P-32, P-2-06, P-2-08, P-2-09, P-2-10-3A, P-2-11, P-2-12, P-2-13, P-2-14, P-2-15, P-2-18, P-2-20, P-2-21 & P-23, and specification contained therein, submitted on 15 November 2016 and 13 January 2017. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (2) the access arrangement hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved access drawing(s) TCP12/191/11/B003/005A, TCP12/191/11/B003/006A, and specification contained therein, submitted on 22nd August 2013. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) an application for the approval of a construction phasing plan of the development shall be submitted before the expiry of three years from the date of this permission. The development shall hereafter be carried out in

PLANNING COMMITTEE MINUTES (Continued)

accordance with the phases established in the phasing plan as approved by the local planning authority. **Reason:** To ensure the proper phasing of the development;

- (4) no development shall take place under any relevant phase of development until a detailed lighting scheme for that phase has been submitted to and agreed in writing by the local planning authority. In discharging this condition the local planning authority expects lighting to be restricted around the boundary edges, particularly along hedgerows, where protected species are likely to be found, and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife. This could be achieved in the following ways:
- a. low pressure sodium lamps should be used in preference to high pressure sodium or mercury lamps
 - b. the brightness of lights should be as low as legally possible
 - c. lighting should be timed to provide some dark periods
 - d. connections to areas important for foraging should contain unlit stretches
- Such works, and use of that lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details.

Reason: To ensure that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties and that appropriate measures are taken in relation to protected species in accordance with Policies DP2, DP3, DP9 and DAP3 of the Warwick District Local Plan 1996-2011;

- (5) none of the dwellings hereby permitted shall be first occupied until all the works within the fabric first energy efficiency scheme approved under condition 7 of planning permission no. W15/0269 have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;

PLANNING COMMITTEE MINUTES (Continued)

- (6) no development shall take place until a scheme has been submitted to and approved in writing by the local planning authority indicating how and when the 'Secured by Design' standards will be incorporated into the development. The scheme shall be implemented in accordance with the approved details and shall be retained thereafter. **Reason:** To ensure Secured by Design standards are met, in accordance with Policy DP14 of the Warwick District Local Plan;
- (7) no development shall take place until a scheme has been submitted to and approved in writing by the local planning authority indicating how and when mixed open space facilities will be incorporated into the development, to include informal open space, appropriate children's play facilities, outdoor sport facilities and allotment gardens. The scheme shall be implemented in accordance with the approved details and shall be retained thereafter. **Reason:** To ensure appropriate open space and recreational facilities are provided to serve the development in accordance with Policy SC13 of the Warwick District Local Plan 1996-2011;
- (8) no part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the local planning authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837: 2012, a Guide for Trees in relation to construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the grounds levels be altered or any excavation take place without the prior consent in writing of the local planning authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **Reason:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;
- (9) the development hereby permitted (including

PLANNING COMMITTEE MINUTES (Continued)

demolition) shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the local planning authority. In discharging this condition the LPA expect to see details concerning pre-commencement checks for protected and notable species with subsequent mitigation as deemed appropriate. In addition appropriate working practices and safeguards for other wildlife dependent of further survey work, that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full. **Reason:** To ensure that protected species are not harmed by the development in accordance with National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Saved Policy DAP 3 of the Warwick District Local Plan;

- (10) the development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the local planning authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as water bodies, native species planting, wildflower grasslands; provision of habitat for protected species. Such approved measures shall thereafter be implemented in full. **Reason:** To ensure a net biodiversity gain in accordance with NPPF;
- (11) the scheme detailing arrangements to protect residents of the development from excessive traffic noise that was approved under condition 13 of planning permission no. W13/1207 shall be implemented in accordance with the approved details and shall be retained thereafter. **Reason:** To protect residents of the development from the adverse effects of traffic noise from outside the development in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;
- (12) the development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site,

PLANNING COMMITTEE MINUTES (Continued)

has been submitted to and approved in writing by the Local Planning Authority. 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;

- (13) the development hereby permitted shall not commence until: -
- 1(a) 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
- (b) The site investigation has been undertaken in accordance with details approved by the local planning authority and a risk assessment has been undertaken.
- (c) 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 and shall 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

PLANNING COMMITTEE MINUTES (Continued)

with the approved method statement.

3. If during development, contamination not previously identified, is found to be present at the site then no further development shall take place (unless otherwise agreed in writing with the local planning authority for an addendum to the method statement). This addendum to the method statement must detail how this unsuspected contamination shall be dealt with.
4. Upon completion of the remediation detailed in the method statement a report shall be submitted to the local planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved method statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

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

- (14) the development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which has been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for: the parking of vehicles of site operatives and visitors; 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

PLANNING COMMITTEE MINUTES (Continued)

dust and dirt during construction; and a scheme for recycling / disposing of waste resulting from demolition and construction works, unless otherwise agreed in writing by the local planning authority. **Reason:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies DP2, DP6, DP8 & DP9 of the Warwick District Local Plan 1996-2011;

- (15) no development shall take place within the application site, unless and until a programme of archaeological works and investigations has been secured and initiated in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. Should anything of archaeological significance found then no development shall take place unless and until an appropriate scheme for mitigation and conservation has been submitted to and approved by the local planning authority. Details shall be carried out as approved. **Reason:** In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected were applicable, before development commences in accordance with Policy DP4 of the Warwick District Local Plan 1996-2011;
- (16) no development shall take place until a scheme has been submitted to and approved in writing by the local planning authority demonstrating that surface water runoff does not exceed runoff from the undeveloped site and does not increase the risk of flooding off-site. Post development runoff volumes and peak flow rates will be limited to the Greenfield discharge rate for all rainfall return periods up to and including the 100 year plus 30% (for climate change) as outlined within the Flood Risk Assessment. On-Site surface water attenuation will be provided to the 1:100 Climate change (30%) standard using Sustainable Urban Drainage Systems. The site drainage strategy will demonstrate the appropriate assessment and adoption of SUDS techniques. The approved systems shall thereafter be retained and shall be managed and maintained in strict accordance with the approved

PLANNING COMMITTEE MINUTES (Continued)

details. **Reason:** To ensure that a satisfactory means of drainage is provided such as to minimise flooding, which promotes and maintains the good stewardship of the natural and built environment in accordance with Policies DP11 & DP3 of the Warwick District Local Plan 1996-2011;

(17) the development hereby permitted shall be carried out in strict accordance with the details of surface and foul water drainage works that were approved under condition 19 of planning permission no. W13/1207. **Reason:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011;

(18) the development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance

PLANNING COMMITTEE MINUTES (Continued)

of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011;

- (19) prior to the allotments becoming operational, allotment sheds/ storage facilities shall have been provided in accordance with details that have 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. **Reason:** To protect the visual amenities of the locality in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011;
- (20) the existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any tree(s) or shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with tree(s) and shrub(s) of such size and species details of which must be submitted to and approved by the local planning authority. All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces). **Reason:** To protect those landscape features which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011; and
- (21) the development shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **Reason:** To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual amenity in accordance with Policies DP1, DP2 & DP8 of the Warwick District Local Plan 1996-2011.

PLANNING COMMITTEE MINUTES (Continued)

135. W/16/2169 – 66 Radford Road, Royal Leamington Spa

The Committee considered a retrospective application from Mrs George for a change of use from C3 (Dwelling House) to C4 (Small HIMO).

An addendum circulated at the meeting advised that following receipt of further information concerning the existing situation in the surrounding area, particularly with regard to issues of noise; disturbance; crime and disorder, officers had reviewed their assessment of all of the material considerations and concluded that the recommendation should be revised.

For that reason, the application had been taken off the agenda for this meeting and would be refused under delegated powers.

136. Appeals Report

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

Resolved that the report be noted.

(The meeting ended at 8.42pm)

Application No: [W 16 / 2243](#)

Town/Parish Council: Warwick
Case Officer: Helena Obremski

Registration Date: 16/01/17
Expiry Date: 13/03/17

01926 456531 Helena.Obremski@warwickdc.gov.uk

Shire Hall, Northgate Street, Warwick, CV34 4SP

Proposed internal and external works to facilitate the use of the buildings as an events venue, including: external alterations, installation of gates, disabled access ramp and internal alterations consisting of the installation of additional toilets, acoustic improvements and associated fire risk assessment works. FOR
Warwickshire County Council

The application is being referred to Planning Committee because the application is made by Warwickshire County Council.

RECOMMENDATION

Planning Committee are recommended to grant planning permission.

DETAILS OF THE DEVELOPMENT

The applicant intends that the Old Shire Hall complex be used for private and corporate dining, conferences, events and weddings. Apart from the Great Hall there are a number of other rooms that can be used to host events. The first floor Judges' Drawing Room in the Judges' House could be used for pre-dinner and drinks receptions, the Judges' Dining Room could host fine dining, corporate hospitality and smaller team events, or be an exclusive wedding ceremony venue or reception area. On the ground floor, the High Sheriff's room would be a medium sized meeting, dining and wedding ceremony venue. The dungeons, cells and courtrooms could provide an additional opportunity for bespoke events allowing all of the spaces within the building to be used, though not necessarily simultaneously.

Specifically, the proposal includes the installation of iron gates to the side entrance of the building, facing Northgate Street, with ramp behind to provide disabled access to the rear of the site, following the removal of an existing single storey garage. Toilets will also be installed in the old "library" and acoustic provisions will be made in the main hall to prevent noise transfer to Northgate Street. A wireless CCTV system is proposed to ensure adequate security provisions throughout the venue.

The applicant has provided details to show that the maximum capacity of the whole venue is 500 people, with the main events being held in the main hall. The site is in a sustainable location, with nearby County Council owned car parks which could be used outside of normal office hours for parking provision.

The venue is already used to host a variety of civic and ceremonial events, for example an event for the Royal Warwickshire Fusiliers hosting around 350 standing guests in the Old Shire Hall itself and another annual event for similar numbers for the High Sheriff; an evening staff awards ceremony with gala dinner for the Law Society for 140, which included a short dance performance to classical music; and a 2 day event supporting a graduation ceremony for around 300 graduates. The Judges' Dining room hosts around 40 guests for council dinners and the Jury Rest Room can host meetings for up to 20.

The applicant's Design and Access Statement notes that market research carried out on behalf of the council identified a market for a high-end event venue in Warwick. To achieve this, the venue needs to be of superior quality in every aspect of its offer, especially in the detail. Research concluded that hiring the venue exclusively is an important factor for potential clients and that parking and accommodation are not limiting factors.

The Design and Access Statement states that the County Council agreed to pursue a proposal for the development of a premier event venue based within the Old Shire Hall and Judge's House Complex. The proposed approach addresses Warwick District's Local Plan priorities identified as supporting the growth of the local economy and maintaining and promoting thriving town centres for its future sustainable prosperity.

After consideration of all the bids by the elected members of the County Council it was agreed to support the in-house bid. In doing so, the elected members stressed the Council's civic responsibility, and that the Council's bid will ensure a high quality service reflecting its good reputation. The proposals were recognised for the importance placed on keeping this historic building in use and for the innovation required to deliver the business plan.

Importantly, the Council itself will be the sole shareholder of the trading company, so that all the company does is subject to the oversight of elected members who are themselves democratically accountable. The trading company, which is the trading body of a public authority, intends to be maximally sensitive to the needs of local residents and it will ensure that local residents will not be unreasonably disturbed, particularly at night.

THE SITE AND ITS LOCATION

The application relates to the Grade I listed Old Shire Hall, built in 1750 which is located within Warwick town centre and Conservation Area. The complex is comprised of a collection of highly significant heritage assets including *Shire Hall with the old law courts* fronting Northgate Street, *the Judge's House* fronting Northgate Street, and the *county offices incorporating the former county gaol and militia barracks* with frontages on Northgate, Barrack Street, and Market Square. The site has retained a significant civic function since at least the 1570s when the county courts and gaol were transferred from Gerrard Street to a site on Northgate.

Shire Hall:

The Hall was built between 1753-4 by William and David Hiorn of Warwick, replacing the previous Shire Hall built between 1670 and 1680 by William Hurlbutt and potentially designed by William Hawksmoor. The exterior is an impressive neo-classical design with one high single-storey and extensive decoration of the Corinthian order with tall sashes. The interior retains a high degree of material and visual integrity. Off Northgate through a round-headed entrance, is the hall itself. The hall is a cavernous space retaining an impressive coffered plasterwork ceiling with foliate-carved and painted decoration by Robert Moore. Behind the hall separated by walls of ashlar stone and elaborate doorways with moulded stone surrounds and Corinthian pilasters, are two octagonal court rooms with segmented domed roofs, Corinthian columns, octagonal lanterns, and retaining tiered hardwood seating, the judges seat, and a gallery with decorative ironwork. A Grand jury room, with an octagonal circulation space below, is situated behind these spaces and has a decorative coved ceiling. Below these spaces are 18th-19th century passageways leading to holding cells.

The Judge's House

Connected to Shire Hall along Northgate Street is the Judge's House. The house was built in 1816 for assize judges serving the adjacent courts and as a meeting place for the justices of the peace. Designed by Henry Hakewill the main elevation is decorated with an Ionic porch, pilasters, and moulded cornicing. Surviving interior features include a marble fireplace to the High Sherriff's room.

County council offices incorporating former county gaol and barracks:

The county council officers consist of several phases of building. Facing Northgate Street is the former county gaol and militia barracks built in 1779-83 with decoration of the Doric order by Thomas Johnson who enlarged and replaced an earlier gaol and a house of correction built in the 17th-century of which only the dungeon (accessed from Shire Hall) – an octagonal domed and cobbled room with timber posts for chaining prisoners – survives. The interior space retains many historic features including marble fireplaces, furniture, and a lift with art deco decorative metalwork. Behind this frontage is a series of interior ranges constructed in the 1920s-30s in neo-Georgian style by A. C. Bunch, arranged on two quadrangles. At the corner of Northgate (one bay) and running along Barrack Street is a 1790-3 addition to the gaol by Henry Couchman – in which a historic gaol door has been set – though this largely survives as a frontage only. Beginning at the western end of Barrack Street and curving around onto Market Square and old Square are mid-twentieth century additions.

Her Majesty's Court Service vacated the Old Shire Hall and Courts complex at the end of 2010. Since then, the council has continued to hold the civic and ceremonial events which have traditionally been held at the Old Shire Hall for more than 250 years.

PLANNING HISTORY

There are a number of previous permissions on the site, however, only that relevant to the assessment of the application are listed below:

W/05/0675/LB - listed building consent approved for the installation of an access ramp, handrails and relocation of steps to the main Shire Hall entrance.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE6 - Archaeology (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- 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)

Guidance Documents

- Vehicle Parking Standards (Supplementary Planning Document)
- Sustainable Buildings (Supplementary Planning Document - December 2008)

SUMMARY OF REPRESENTATIONS

Warwick Town Council: No objection.

CAF: CAF supports efforts to develop a viable use for the building to ensure its long term survival. The proposed access ramp is incongruous and would harm the significance of the building. CAF encourages landscaping and moulding of the garden to facilitate a natural level of accessibility. The proposed access gate is too ornate for the area. Historic windows should be retained and the use of opaque glass in the toilets is not supported - blinds or screens are recommended.

Health and Community Protection – Environmental Sustainability Section: No objection.

WCC Archaeology: No objection, subject to condition.

WCC Highways: No objection, subject to conditions.

Historic England: No objection, following submission of clarification of details and subject to conditions.

3 Public Responses: Objections: concern regarding: noise generation and disturbance, loss of privacy, traffic generation, non compliance with planning policies DP7 and DP8. Two of the objections support securing the future of the building, subject to overcoming the issues raised.

ASSESSMENT

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

- Principle of the Development
- The impact on the Character and Appearance of the Area
- The Impact on Landscape and Heritage Assets
- Archaeological Impact
- The impact on the living conditions of nearby dwellings
- Car Parking and Highway Safety
- Sustainability
- Ecological Impact
- Health and Wellbeing

Principle of the Development

Paragraph 23 of the NPPF encourages development which promotes competitive town centre environments. The proposed use of the site to provide an events venue would be acceptable in this town centre location and is considered to enhance the vitality and viability of the town centre owing to the increased number of visitors which the proposal would bring to the area.

The application relates to a Grade I listed building. One of the core planning principles within the NPPF is to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. The NPPF also states that Local Authorities should take into account the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. The applicant proposes that the use of the site as an events venue will secure the future of this heritage asset - the loss of income as a result of the vacation of Her Majesty's Court Service in 2010 and the high maintenance costs of the building lead the County Council to look to other means to secure the future of the building and they propose that the use of the site as an events venue will allow the best means to do this. Any impact on the heritage asset is discussed in more detail below.

The impact on the Character and Appearance of the Area

The National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions. Furthermore, Warwick District Council's Local Plan 1996 - 2011 policy DP1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using the appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area.

The exterior appearance of the main building will not be impacted as a result of the proposal, however, the existing gates facing Northgate will be removed, along with the existing flat roof garage. An access ramp will be positioned in its place. The removal of the existing garage is seen as an improvement to the street scene owing to its unsympathetic nature to the listed building. The initial proposal for the replacement gates was considered to be too detailed and the applicant has agreed that details of the gates can be secured by condition, which is considered to be an appropriate approach.

The proposed design is not considered to be harmful to the street scene or Conservation Area and is considered to comply with the NPPF and adopted Local Plan policies.

Impact on Landscape and Heritage Assets

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

Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The collection of structures and buildings the subject of this application are designated by reason of their architectural and historic merit, intactness, and group value.

Architectural merit:

The primary historic buildings in this group have profound architectural merit both as examples of *fortuitous* accumulation of form (the gradual development of a complex of related structures) and *formal planned design* with a high degree of architectural pretension and explore the major architectural themes of 18th-19th classical revivalism to the highest quality. Each has a clear and related intentional design aesthetic in which classical motifs were used to portray civic pride and strength – a critical architectural theme of this period and indicative of the development of major civic buildings throughout the country. The old gaol and barracks, for example, are constructed in a muscular Greek Doric style which portrays the martial strength associated with its use.

Historic merit:

The buildings have evident *associative value* having been designed by local, national, and internationally-important architects – the architect of the Judge's House in particular is well known for his buildings including Rugby School. They are also of profound *illustrative value*, indicative of the development of architectural and design tastes from the 17th-19th centuries through both their architectural form and interior features - the gaol, for example, is one of the earliest Greek revival buildings in the country (following the first English building to use Greek Doric decoration in 1788). They also *illustrate* the development of social attitudes towards crime, punishment, civic administration, and justice through surviving courtrooms and dungeons and as such are a critical element of social history.

Group value:

There is an evident *functional* and *visual* relationship between the structures on this site. They were all built to serve a specific civil function, and were designed in relation to one another. Each constituent part highlights the development and use of the site as a centre for justice, punishment, and administration from the 16th century onwards through a related architectural form – the buildings as a group explore all of the Greco-Roman architectural orders (Doric, Ionic, Corinthian) so closely associated with civic buildings of this period. As illustrative of civic administration, they as a group signify the importance of Warwick as the county town.

The Conservation Officer, CAF and Historic England have no objection in principle to the use of the property as an events venue. There were initially concerns from the CAF and the Conservation Officer that the proposed ramp to the rear of the building would be harmful to the setting of the listed building and visually intrusive. Furthermore, the proposed gates were considered to be overly-decorative and inappropriate for the setting. The principle of gates in the proposed location is acceptable, but not as originally designed. The proposed CCTV system was not considered to be acceptable owing to the extensive amount of cabling which would be harmful to the historic fabric of the building and would be visually intrusive.

Historic England had concerns about the proposed ventilation system and replacement of historic doors. Furthermore, they also raised concerns about the proposed acoustic drapes and the impact which these would have on the historic character of the main hall. Historic England also queried whether the existing interior decor would be altered.

Following the submission of the above comments, the proposed ventilation system and rear access ramp were removed from the proposal (although the side access ramp still forms part of the proposal). The applicants have requested that the details of the gates and the amendments to the doors can be agreed at a later stage and secured by condition, which is acceptable to the Conservation Officer and Historic England, along with the side access ramp. The agent has also confirmed that secondary glazing will only be installed to one window to the Octagonal Room which is for acoustic purposes, which Historic England consider acceptable. The agent has confirmed that there will be no alterations to the internal decoration to the main hall and courtrooms which was a concern from Historic England and provided additional information in relation to the acoustic drapes, which Historic England are now satisfied with. Finally, the CCTV system has been altered to a wireless system, providing discrete security for the premises which would not be harmful to the historic integrity of the building.

The Conservation Officer notes that the loss of a historic sash window would not be supported, however, this does not form part of the application.

The proposal will provide a use for the site to secure the future of the building, with minimal alterations which will make use of the special and unique characters of this heritage asset. The proposed ramp will allow disabled access which will

not be harmful to the setting of the building and provides a means to ensure that the property is fully accessible. The removal of the flat roof garage is an improvement. The amendments are considered to have satisfied the concerns of the CAF, Historic England and the Conservation Officer. Conditions will need to be implemented to ensure that large scale details are provided in relation to the doors, secondary glazing, ramp and gates to ensure a high quality of design for this listed building. It is considered that there would be no harm caused to this Grade I listed building and the proposal is in accordance with the NPPF and adopted Local Plan policy DP8.

Archaeological Impact

The NPPF and adopted Local Plan policy DP4 state that development will not be permitted which harms archaeological remains of national importance, and their settings. The Council will require that any remains of archaeological value are properly evaluated prior to the determination of a planning application.

WCC Archaeology have commented on the application and note that the proposed development lies within an area of significant archaeological potential within the extent of the medieval settlement of Warwick. Previous salvage excavations, undertaken during the 1950s at Shire Hall identified evidence for medieval and post medieval occupation of the area including pottery assemblages recovered from a number of rubbish pits (Warwickshire Historic Environment Record MWA2184). Recent archaeological excavations undertaken opposite Shire Hall between Northgate Street and the Butts have identified further significant evidence for the medieval occupation of this area.

Therefore, WCC Archaeology recommend that the application is conditioned to ensure that a programme of archaeological works are submitted in accordance with a written scheme of investigation, prior to commencement of works. This condition is considered to be acceptable and will be added. The proposal is therefore considered to be in accordance with adopted Local Plan policy DP4.

The impact on the living conditions of nearby dwellings

Warwick District Local Plan policy DP2 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a responsibility for development not to cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion.

There has been one objection to this application and two objections to the associated listed building consent which express concern regarding noise generation and disturbance (noise emanating from the premises and noise disturbance caused by access and egress), and loss of privacy as a result of the proposal. As impact on neighbouring residential amenity cannot be assessed under a listed building application, these concerns are addressed in this report.

There are residential properties positioned within close proximity of the site, including those opposite facing Northgate Street and The Old Post Office facing Old Square. There is currently an application with the Council (W/16/2321) for change of use of 1 Northgate Street (positioned next to the application site) from offices to a residential unit, which is likely to be approved.

The proposal does not include the extension of the existing buildings, and includes the removal of the existing garage. The rear of the site is bordered by high level brick walls and the rear walls of some of the other adjoining properties. It is therefore considered that there would be no loss of light or outlook as a result of the proposal. Furthermore, the high level wall prevents any opportunity for overlooking from the site into neighbouring residential properties, therefore it is considered that there would be no loss of privacy as a result of the development.

There has been an objection which states that the proposed use would result in overlooking and an increase in light pollution from the main hall and Judges Houses. However, there would be very limited opportunities for overlooking from the main hall to the residential units opposite to the site (on Northgate Street) owing to the lack of outlook from this room - the windows serving this part of the building are high level and cannot be directly looked out of. Also, acoustic drapes to the windows in the main hall will prevent light pollution and potential overlooking during evening hours when the venue is being used. The windows serving Judges Houses do face out over Northgate Street and it is acknowledged that there would be a potential intensification of the use of these rooms, although it should be noted that they are already used to host events. However, the distance between Old Shire Hall and the residential properties facing Northgate Street have a traditional "street-fronting" relationship, with a road separating them and there will be a level of mutual overlooking and light pollution. Furthermore, the street is well lit with street lights and therefore, the level of light pollution that the venue is likely to cause is considered to be minimal. The intensification of the site and impact on neighbouring residential amenity is not considered to be so significant that it would warrant reason for refusal.

Health and Community Protection – Environmental Sustainability Section have been consulted on the application. The applicants have proposed various noise mitigation measures, including limiting the PA system to a certain level, only allowing guests to leave via the rear entrance onto the mixed use Market Place area, rather than onto the residential Northgate Street, limiting the number of people who can gather outside to smoke to a small number and acoustic curtains in the main hall. Other than for access, or to smoke, users of the events venue should not need to use the exterior parts of the site. Environmental Health Officers are satisfied that any potential issues related to loss of amenity to nearby residents or users have been adequately controlled through the operator's recently approved Premises Licence. Health and Community Protection - Environmental Sustainability Section would be consulted if any changes or alterations to the licence were proposed in the future by the operator, and they would have the opportunity to assess any alterations which were likely to have an impact on public nuisance. These mitigation measures are considered to

respond to concerns from residents in relation to both noise disturbance from the use of the venue, but will also control the flow of people into and out of the building to ensure that there is no harm to residential amenity.

Therefore it is considered that there would be no harm to public amenity in the form of loss of privacy or disturbance as a result of the proposed use of the property as an events venue, and the development complies with adopted Local Plan policy DP2.

Car Parking and Highway Safety

There has been one objection to this application and two objections to the associated listed building consent which express concern regarding traffic generation and non compliance with planning policies DP7 and DP8. A member of the public queries where pick up and drop off points will be located without having a detrimental impact on highway safety which is addressed below. As impact on highway safety cannot be assessed under a listed building application, these concerns are addressed in this report.

WCC Highways have been consulted on the proposal and have no objection, subject to conditions. They note that as an events venue, the demand on parking is likely to increase from the existing use. The travel plan submitted is considered to address this issue by the suggestion of the use of public transport and town centre car parks out of office hours. There is still however a concern regarding the lack of provision for vehicles other than the car, such as coaches, which could cause an obstruction to the movement of other vehicles when unloading.

WCC Highways suggest that an addendum to the travel plan should be submitted which includes details of the loading/unloading of such vehicles which can be secured by condition. Furthermore, inadequate provisions have been made for cycle storage for staff members, which can be included in the addendum.

A member of the public queries whether the venue would require road closures to ensure that visitors can be dropped off or picked up, and queries where deliveries will be made, however, this is not proposed by the scheme and will be addressed by the addendum to the travel plan. Furthermore, a member of the public queries what the impacts will be on the town centre and that there is inadequate parking provision. WCC Highways have concluded that the proposal would not cause harm to highway safety and adequate parking can be accommodated within the wider area. Furthermore, as the location is sustainable, there are also multiple public transport options available to visitors. The proposal is likely to bring increased revenue to the town centre and create additional employment and economic benefits.

It is therefore concluded that the proposed development would not pose danger to pedestrian or vehicular safety and that subject to an addendum to the travel plan, the proposal complies with adopted Local Plan policies DP6, DP7 and DP8.

Sustainability

It is not considered that the proposed use of the property as an events venue would increase the energy demands of the building, and therefore, there is no requirement to provide additional sustainability measures.

Ecological Impact

WCC Ecology have assessed the application and are uncertain if a bat licensed ecologist can access all the areas where bats may be roosting owing to Health and Safety issues. Areas in the basement which will be affected by the proposed works and the roof area to be impacted need to be inspected for bats prior to commencement of works on site. WCC Ecology state that as the proposed works will not affect the entire roof space and there will be no loss of roof space, they recommend a pre-commencement condition which would ensure that a bat licensed ecologist inspects the building prior to commencement of works and supervise the works to any sensitive areas, providing any further mitigation measures where necessary. This is considered appropriate and will be implemented.

Health and Wellbeing

The development will provide an events venue which could be benefited by the wider community for personal enjoyment and entertainment.

CONCLUSION

The proposal to utilise Old Shire Hall would secure a viable future for the building and as amended, would not be harmful to the integrity of the listed building. The amenities of surrounding uses will not be harmed as a result of the proposal, which adopts appropriate mitigation measures. Additional car parking could be accommodated within the wider area and is acceptable subject to an updated travel plan, which can be secured by condition. Furthermore, the proposal would also bring investment into Warwick town centre. The application is therefore recommended for approval.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 5151209.07, 5151209.08, 5151209.09, 5151209.13 submitted on 7 December 2016, 5151209.02 (A) submitted on 7th February 2017, and specification contained therein. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

- 3 No development shall take place within the application site, unless and until a programme of archaeological works and investigations has been secured and initiated in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. **REASON:** In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected were applicable, before development commences in accordance with Policy DP4 of the Warwick District Local Plan 1996-2011.
- 4 No development shall be carried out on the site which is the subject of this permission, until large scale details of the proposed internal doors, secondary glazing and the exterior gates at a scale of 1:5 (including details of materials) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011.
- 5 The development hereby permitted shall be undertaken in the presence of a qualified bat worker appointed by the applicant to check all suitable features in the roof of the building and associated structures to be affected immediately prior to works commencing. All roofing material is to be subsequently removed carefully by hand. Appropriate precautions must be taken in case bats are found, such as the erection of at least one bat box on a suitable tree or building. Should evidence of bats be found during this operation, then work must cease immediately while Natural England and WCC Ecological Services are consulted for further advice. Any subsequent recommendations or remedial works will be implemented within the timescales agreed between the bat worker and the Local Authority Ecologist/Natural England. Notwithstanding any requirement for remedial work or otherwise, the qualified bat worker's report shall be submitted to the local planning authority within 1 month following completion of the supervised works to summarise the findings. **REASON:** To ensure that protected species are not harmed by the development.

In order to discharge the condition above a brief report from the bat worker must be submitted to and approved by the local Planning Authority (with advice from WCC Ecological Services).

- 6 Within 3 months of the date of planning consent, an addendum to the submitted Travel Plan shall be submitted to address the issues of vehicle access and bicycle storage associated with the development, which will require to be approved in writing by the Local Planning Authority in consultation with the Highway Authority. **REASON:** In the interests of highway safety and the free flow of traffic in accordance with Policies DP6 and DP8 of the Warwick District Local Plan 1996-2011.

Application No: [W 16 / 2244 LB](#)

Town/Parish Council: Warwick
Case Officer: Helena Obremski

Registration Date: 16/01/17
Expiry Date: 13/03/17

01926 456531 Helena.Obremski@warwickdc.gov.uk

Shire Hall, Northgate Street, Warwick, CV34 4SP

Proposed internal and external works to facilitate the use of the buildings as an events venue, including: external alterations, installation of gates, disabled access ramp and internal alterations consisting of the installation of additional toilets, acoustic improvements and associated fire risk assessment works. FOR
Warwickshire County Council

The application is being referred to Planning Committee because the application is made by Warwickshire County Council.

RECOMMENDATION

Planning Committee are recommended to grant planning permission.

DETAILS OF THE DEVELOPMENT

The applicant intends Old Shire Hall complex to be used for private and corporate dining, conferences, events and weddings. Apart from the Great Hall there are a number of other rooms that can be used to host events. The first floor Judges' Drawing Room in the Judges' House could be used for pre-dinner and drinks receptions, the Judges' Dining Room could host fine dining, corporate hospitality and smaller team events, or be an exclusive wedding ceremony venue or reception area. On the ground floor, the High Sheriff's room would be a medium sized meeting, dining and wedding ceremony venue. The dungeons, cells and courtrooms could provide an additional opportunity for bespoke events allowing all of the spaces within the building to be used, though not necessarily simultaneously.

Specifically, the proposal includes the installation of iron gates to the side entrance of the building, facing Northgate Street, with ramp behind to provide disabled access to the rear of the site, following the removal of an existing single storey garage. Toilets will also be installed in the old "library" and acoustic provisions will be made in the main hall to prevent noise transfer to Northgate Street. A wireless CCTV system is proposed to ensure adequate security provisions throughout the venue.

The applicant has provided details to show that the maximum capacity of the whole venue is 500 people, with the main events being held in the main hall. The site is in a sustainable location, with nearby County Council owned car parks which could be used outside of normal office hours for parking provision.

The venue is already used to host a variety of civic and ceremonial events, for example an event for the Royal Warwickshire Fusiliers hosting around 350 standing in the Old Shire Hall itself and another annual events for similar numbers for the High Sheriff; an evening staff award ceremony with gala dinner for the Law Society for 140, which included a short dance performance to classical music; and a 2 day event supporting a graduation ceremony for around 300 graduates. The Judges' Dining room hosts around 40 guests for council dinners and the Jury Rest Room can host meetings for up to 20.

The applicant's Design and Access Statement notes that market research carried out on behalf of the council identified a market for a high-end event venue in Warwick. To achieve this, the venue needs to be of superior quality in every aspect of its offer, especially in the detail. Research concluded that hiring the venue exclusively is an important factor for potential clients and that parking and accommodation are not limiting factors.

The Design and Access Statement states that the County Council agreed to pursue a proposal for the development of a premier event venue based within the Old Shire Hall and Judge's House Complex. The proposed approach addresses Warwick District's Local Plan priorities identified as supporting the growth of the local economy and maintaining and promoting thriving town centres for its future sustainable prosperity.

After consideration of all the bids by the elected members of the County Council it was agreed to support the in-house bid. In doing so, the elected members stressed the Council's civic responsibility, and that the Council's bid will ensure a high quality service reflecting its good reputation. The proposals were recognised for the importance placed on keeping this historic building in use and for the innovation required to deliver the business plan.

Importantly, the Council itself will be the sole shareholder of the trading company, so that all the company does is subject to the oversight of elected members who are themselves democratically accountable. The trading company, which is the trading body of a public authority, intends to be maximally sensitive to the needs of local residents and it will ensure that local residents will not be unreasonably disturbed, particularly at night.

THE SITE AND ITS LOCATION

The application relates to the Grade I listed Old Shire Hall, built in 1750. The complex is comprised of a collection of highly significant heritage assets including *Shire Hall with the old law courts* fronting Northgate Street, *the Judge's House* fronting Northgate street, and the *county offices incorporating the former county gaol and militia barracks* with frontages on Northgate, Barrack Street, and Market Square. The site has retained a significant civic function since at least the 1570s when the county courts and gaol were transferred from Gerrard Street to a site on Northgate.

Shire Hall:

The Hall was built between 1753-4 by William and David Hiorn of Warwick, replacing the previous Shire Hall built between 1670 and 1680 by William Hurlbutt and potentially designed by William Hawksmoor. The exterior is an impressive neo-classical design with one high single-storey and extensive decoration of the Corinthian order with tall sashes. The interior retains a high degree of material and visual integrity. Off Northgate through a round-headed entrance, is the hall itself. The hall is a cavernous space retaining an impressive coffered plasterwork ceiling with foliate-carved and painted decoration by Robert Moore. Behind the hall separated by walls of ashlar stone and elaborate doorways with moulded stone surrounds and Corinthian pilasters, are two octagonal court rooms with segmented domed roofs, Corinthian columns, octagonal lanterns, and retaining tiered hardwood seating, the judges seat, and a gallery with decorative ironwork. A Grand jury room, with an octagonal circulation space below, is situated behind these spaces and has a decorative coved ceiling. Below these spaces are 18th-19th century passageways leading to holding cells.

The Judge's House

Connected to Shire Hall along Northgate Street is the Judge's House. The house was built in 1816 for assize judges serving the adjacent courts and as a meeting place for the justices of the peace. Designed by Henry Hakewill the main elevation is decorated with an Ionic porch, pilasters, and moulded cornicing. Surviving interior features include a marble fireplace to the High Sherriff's room.

County council offices incorporating former county gaol and barracks:

The county council officers consist of several phases of building. Facing Northgate Street is the former county gaol and militia barracks built in 1779-83 with decoration of the Doric order by Thomas Johnson who enlarged and replaced an earlier gaol and a house of correction built in the 17th-century of which only the dungeon (accessed from Shire Hall) – an octagonal domed and cobbled room with timber posts for chaining prisoners – survives. The interior space retains many historic features including marble fireplaces, furniture, and a lift with art deco decorative metalwork. Behind this frontage is a series of interior ranges constructed in the 1920s-30s in neo-Georgian style by A. C. Bunch, arranged on two quadrangles. At the corner of Northgate (one bay) and running along Barrack Street is a 1790-3 addition to the gaol by Henry Couchman – in which a historic gaol door has been set – though this largely survives as a frontage only. Beginning at the western end of Barrack Street and curving around onto Market Square and old Square are mid-twentieth century additions.

Her Majesty's Court Service vacated the Old Shire Hall and Courts complex at the end of 2010, resulting in a budget pressure for the County Council. Since then, the courts vacated the buildings the council has continued to hold the civic and ceremonial events which have traditionally been held at the Old Shire Hall for more than 250 years.

PLANNING HISTORY

There are a number of previous permissions on the site, however, only that relevant to the assessment of the application are listed below:

W/05/0675/LB - listed building consent approved for the installation of an access ramp, handrails and relocation of steps to the main Shire Hall entrance.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE6 - Archaeology (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

SUMMARY OF REPRESENTATIONS

Warwick Town Council: No objection.

CAF: CAF supports efforts to develop a viable use for the building to ensure its long term survival. The proposed access ramp is incongruous and would harm the significance of the building. CAF encourages landscaping and moulding of the garden to facilitate a natural level of accessibility. The proposed access gate is too ornate for the area. Historic windows should be retained and the use of opaque glass in the toilets is not supported - blinds or screens are recommended.

WCC Archaeology: No objection, subject to condition.

Historic England: No objection, following submission of clarification of details and subject to conditions.

3 Public Responses: Objections: concern regarding: noise generation and disturbance, loss of privacy, traffic generation, non compliance with planning policies DP7 and DP8. Two of the objections support securing the future of the building, subject to overcoming the issues raised.

ASSESSMENT

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

- Principle of the Development
- The Impact on Landscape and Heritage Assets

Principle of the Development

The application relates to a Grade I listed building. One of the core planning principles within the NPPF is to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. The NPPF also states that Local Authorities should take into account the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. The applicant proposes that the use of the site as an events venue will secure the future of this heritage asset - the loss of income as a result of the vacation of Her Majesty's Court Service in 2010 and the high maintenance costs of the building lead the County Council to look to other means to secure the future of the building and they propose that the use of the site as an events venue will allow the best means to do this. The impact on the heritage asset is discussed in more detail below.

Impact on Landscape and Heritage Assets

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

Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The collection of structures is designated because of their architectural and historic merit, intactness, and group value.

Architectural merit:

The primary historic buildings in this group have profound architectural merit both as examples of *fortuitous* accumulation of form (the gradual development of a complex of related structures) and *formal planned design* with a high degree of architectural pretension and explore the major architectural themes of 18th-19th classical revivalism to the highest quality. Each has a clear and related

intentional design aesthetic in which classical motifs were used to portray civic pride and strength – a critical architectural theme of this period and indicative of the development of major civic buildings throughout the country. The old gaol and barracks, for example, are constructed in a muscular Greek Doric style which portrays the martial strength associated with its use.

Historic merit:

The buildings have evident *associative value* having been designed by local, national, and internationally-important architects – the architect of the Judge's House in particular is well known for his buildings including Rugby School. They are also of profound *illustrative value*, indicative of the development of architectural and design tastes from the 17th-19th centuries through both their architectural form and interior features - the gaol, for example, is one of the earliest Greek revival buildings in the country (following the first English building to use Greek Doric decoration in 1788). They also *illustrate* the development of social attitudes towards crime, punishment, civic administration, and justice through surviving courtrooms and dungeons and as such are a critical element of social history.

Group value:

There is an evident *functional* and *visual* relationship between the structures on this site. They were all built to serve a specific civil function, and were designed in relation to one another. Each constituent part highlights the development and use of the site as a centre for justice, punishment, and administration from the 16th century onwards through a related architectural form – the buildings as a group explore all of the Greco-Roman architectural orders (Doric, Ionic, Corinthian) so closely associated with civic buildings of this period. As illustrative of civic administration, they as a group signify the importance of Warwick as the county town.

The Conservation Officer, CAF and Historic England have no objection in principle to the use of the property as an events venue. There were initially concerns from the CAF and the Conservation Officer that the proposed ramp to the rear of the building would be harmful to the setting of the listed building and visually intrusive. Furthermore, the proposed gates were considered to be overly-decorative and inappropriate for the setting. The principle of gates in the proposed location is acceptable, but not as originally designed. The proposed CCTV system was not considered to be acceptable owing to the extensive amount of cabling which would be harmful to the historic fabric of the building and would be visually intrusive.

Historic England had concerns about the proposed ventilation system and replacement of historic doors. Furthermore, they also raised concerns about the proposed acoustic drapes and the impact which these would have on the historic character of the main hall. Historic England also queried whether the existing interior decor would be altered.

Following the submission of the above comments, the proposed ventilation system and rear access ramp were removed from the proposal (although the side access ramp still forms part of the proposal). The applicants have requested that the details of the gates and the amendments to the doors can be agreed at a later stage and secured by condition, which is acceptable to the Conservation Officer and Historic England, along with the side access ramp. The agent has also confirmed that secondary glazing will only be installed to one window to the Octagonal Room which is for acoustic purposes, which Historic England consider acceptable. The agent has confirmed that there will be no alterations to the internal decoration to the main hall and courtrooms which was a concern from Historic England and provided additional information in relation to the acoustic drapes, which Historic England are now satisfied with. Finally, the CCTV system has been altered to a wireless system, providing discrete security for the premises which would not be harmful to the historic integrity of the building.

The Conservation Officer notes that the loss of a historic sash window would not be supported, however, this does not form part of the application.

The amendments are considered to have satisfied the concerns of the CAF, Historic England and the Conservation Officer. Conditions will need to be implemented to ensure that large scale details are provided in relation to the doors, secondary glazing and gates to ensure a high quality of design for this listed building. It is considered that there would be no harm caused to this Grade I listed building and the proposal is in accordance with the NPPF and adopted Local Plan policy DP8.

Archaeological Impact

The NPPF and adopted Local Plan policy DP4 state that development will not be permitted which harms archaeological remains of national importance, and their settings. The Council will require that any remains of archaeological value are properly evaluated prior to the determination of a planning application.

WCC Archaeology have commented on the application and note that the proposed development lies within an area of significant archaeological potential within the extent of the medieval settlement of Warwick. Previous salvage excavations, undertaken during the 1950s at Shire Hall identified evidence for medieval and post medieval occupation of the area including pottery assemblages recovered from a number of rubbish pits (Warwickshire Historic Environment Record MWA2184). Recent archaeological excavations undertaken opposite Shire Hall between Northgate Street and the Butts have identified further significant evidence for the medieval occupation of this area.

Therefore, WCC Archaeology recommend that the application is conditioned to ensure that a programme of archaeological works are submitted in accordance with a written scheme of investigation, prior to commencement of works. This condition is considered to be acceptable and will be added. Therefore, the proposal is considered to comply with adopted Local Plan policy DP4.

Other Matters

There have been three objections from members of the public to this listed building consent application in relation to impact on residential amenity, parking and traffic generation. However, these matters are not dealt with under a listed building consent application and have been assessed as part of the associated full planning permission application.

CONCLUSION

The proposal to utilise Old Shire Hall would secure a viable future for the building and as amended, would not be harmful to the integrity of the listed building. There would be no harm caused to items of archaeological importance, subject to a suitable programme of archaeological works which can be secured by condition. Furthermore, the proposal would also bring investment into Warwick town centre. The application should therefore be approved.

CONDITIONS

- 1 The works hereby permitted shall begin not later than three years from the date of this consent. **REASON:** To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 5151209.03, 5151209.04, 5151209.05, 5151209.06, 5151209.07, 5151209.08, 5151209.09, 5151209.13, 1648/M/01, 1648/M/51, 1648/M/50 Rev A, 1648/M/52 Rev A, 1648/E/100 and 1648/M/10 Rev A submitted on 7 December 2016, 5151209.02 (A) submitted on 7th February 2017, and 5151209.01 A submitted on 16th February 2017 and specification contained therein. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 No development shall take place within the application site, unless and until a programme of archaeological works and investigations has been secured and initiated in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. **REASON:** In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected were applicable, before development commences in accordance with Policy DP4 of the Warwick District Local Plan 1996-2011.
- 4 No development shall be carried out on the site which is the subject of this permission, until large scale details of the proposed internal doors,

secondary glazing and the exterior gates at a scale of 1:5 (including details of materials) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011.

Planning Committee: 28 February 2017

Item Number: 7

Application No: [W 16 / 1511](#)

Registration Date: 28/10/16

Town/Parish Council: Beausale, Haseley, Honiley & Wroxall **Expiry Date:** 23/12/16

Case Officer: Holika Bungre
01926 456541 Holika.Passi@warwickdc.gov.uk

Elmhurst, Honiley Road, Beausale, Warwick, CV35 7NU

Erection of 2no. single storey side extensions, two storey rear extension and external alterations FOR Mr Bird

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

RECOMMENDATION

Planning Committee are recommended to refuse this planning application for the reasons set out at the end of this report.

DETAILS OF THE DEVELOPMENT

The proposals is for the erection of 2 no. single storey side extensions (one to each side of the house) which are set back from the main front elevation, and a two storey rear extension which attaches to them both, forming a wrap around extension. Alterations are also proposed to the chimney and porch design.

THE SITE AND ITS LOCATION

The application site relates to a two storey detached dwellinghouse located on the west side of Honiley Road, close to its junction with Butlers End in Beausale. The site has open countryside to the rear and is washed over by Green Belt. The property appears to have a post 1948 single storey rear extension and a post 1948 porch, neither of which have any associated planning history. These have been counted as extensions to the original dwelling.

PLANNING HISTORY

None relevant to the determination of this application.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- RAP2 - Extensions to Dwellings (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS19 - Green Belt (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

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

SUMMARY OF REPRESENTATIONS

Beausale, Haseley, Honiley & Wroxall Parish Council: Support application for the following reasons:

- The removal of the workshop and garage would reduce the proposed floor area, to below the recommended percentage increase;
- The proposed application would enable the parking of the residents cars to be on site, and therefore off the highway. This section of Honiley Road is used for parking by residents of Heath Terrace. It is quite a dangerous section of road, and Elmhurst is close to the bend;
- The application will improve the facilities for a modest house to suit family needs, and is in keeping with the surroundings;
- The proposed alterations would be sympathetic to the environment, with the roof line matching those of adjacent properties in Heath Terrace;
- Similar extensions had been previously agreed for other properties in the adjacent Heath Terrace.

Cllr Sue Gallagher: Supports application.

WCC Ecology: Believe that there are more bats than that which the submitted Bat Survey found, however, agreed proposed mitigation measures within the report will have scope to suitably mitigate against the bats they believe may be on site, and therefore require further activity surveys to be secured by condition,

where mitigation measures would also be conditioned to be carried out in full. Further requested notes concerning birds, reptiles and amphibians.

Public Response: 2 letters of support received on the following grounds:-

- The designs are sensitive and in-keeping with the village and character of Beausale's rural community.
- The additions will enhance the living conditions of the current property.

KEY ISSUES

Assessment

The main issues in the consideration of this application are:

- Whether the proposal is appropriate development in the Green Belt and, if not, whether there are any very special circumstances which outweigh the harm by reason of inappropriateness and any other harm identified.
- Design, scale and impact on the street scene
- Impact on neighbour amenity
- Renewables
- Ecology
- Parking and highway safety

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

The NPPF sets out exceptions to inappropriate development in the Green Belt, which includes the limited extensions of buildings which do not result in a disproportionate addition to the original building. Saved Policy RAP2 goes on to clarify that extensions of more than 30% of the gross floor space of the original dwelling are likely to be considered disproportionate in the Green Belt.

The total original floor space of the application property is calculated to be 108m². Existing extensions amount to 6.89m² which equate to 6.38%. The proposed extensions amount to 43.06m² at ground floor and 24.9m² at first floor. The existing and proposed extensions taken together would total 74.85m², which equates to a 69.3% increase in floor space over and above the original dwelling, which is well over twice what would be considered to be proportionate in accordance with saved Policy RAP2. The proposal is therefore inappropriate development in the Green Belt which is harmful by definition and by reason of harm to openness and is contrary to both Policy RAP2 and the NPPF.

The Parish Council's support for the proposal on the basis that the removal of the workshop and garage would reduce the proposed floor area to below the recommended percentage increase is noted. However, in accordance with the NPPF and Policy RAP2 other outbuildings cannot be taken into account in determining the floor area of the original building. Whilst it is noted that the removal of the garage and workshop would result in one is mindful that new outbuildings could also be erected under permitted development.

Even if the removal of the outbuildings is factored in, the proposal will still result in an increase in floor area of 40.63% over and above the existing, whereby the proposal remains inappropriate development in the Green Belt harmful by definition and by reason of harm to openness.

A separate bat loft is also required to mitigate against the impact to protected species which will result in further harm to the openness of the Green Belt. The applicant has put forward a permitted development fall back position which they feel could be implemented on site. However, in line with the approach that Inspectors have taken at appeal in recent cases, permitted development is not considered to be a fall back position which justifies the approval of planning permission for development which is otherwise considered to be inappropriate in the Green Belt.

The other factors cited by the Parish Council in support for the proposal have also been taken into account but are not considered to constitute very special circumstances which outweigh the harm identified.

Design, Scale and Impact on the Street Scene

The comments in support with reference to the design are noted. Due to the subservient single storey extensions which are also set back from the front elevation (the only aspects directly visible from the public highway), the original design of the cottage is still apparent when viewed from the street. Alterations proposed to the chimney and porch designs are considered acceptable and overall the design is not considered to comply with Policy DP1 and the Residential Design Guide SPG.

Impact on Neighbour Amenity

The extensions are at a considerable distance from the adjacent property and the 45 degree line is not breached. As such, it is considered that there will be no material harm to living conditions by reason of harm to light or outlook.

The proposed first floor window to the north elevation is a smaller version of an existing window which is proposed to continue to serve a bathroom. The window provide screened views to the public highway and the front garden of the adjacent neighbour which is visible in the street scene and therefore there will be material loss of privacy as a result of the proposal.

The proposed first floor French doors with Juliet balcony to the south side elevation provide views onto open fields and will not result in overlooking to neighbours. The first floor French doors and Juliet balconies to the rear will look directly onto the applicant's own garden and will not result overlooking to the adjacent neighbour. Overall therefore, the proposals are considered not to harm the amenity of the neighbours.

Renewables

Given the scale of the proposed development it is considered that a requirement to provide 10% renewables/ fabric first approach in accordance with Policy DP13 and the associated SPD would be appropriate.

It is stated that a fabric first approach is proposed to be used for construction, together with an air source heat pump with under floor heating at ground floor level and a log burning stove to comply with this requirement. Details can be secured by a pre-commencement condition.

Ecology

WCC Ecology had requested a bat survey which was provided by the applicants. They concluded that further activity surveys would be needed to clarify the type and number of bats which may be present, and to then confirm suitable mitigation measures, although they felt that the bat loft suggested as mitigation in the bat report would be likely to be sufficient. If located over 2m from any boundary, the suggested bat loft has the scope to be permitted development. Overall concerning bats, they considered that a condition for further activity surveys and the implementation of mitigation measure should be added to any approval granted.

Parking and Highway Safety

The off road parking requirement for the proposals will be a minimum of 2 as per the Council's Adopted Parking Standards, which is and will remain available and therefore is considered acceptable.

Other Matters

While support comments regarding the improvement of the facilities of the house to suit family needs are noted, this is not a material planning consideration in the determination of the application.

Reference has also been made to permission having been granted for similar proposals in Heath Terrace, however, no specific cases have been cited. In any case, each application must be assessed on its individual merits.

Summary/Conclusion

The proposals would constitute a 69.3% addition to the house as originally built and is therefore considered to result in disproportionate additions which are inappropriate within the Green Belt harmful by definition and by reason of harm to openness and therefore contrary to the NPPF and Saved Local Plan Policy RAP2.

REFUSAL REASONS

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

The NPPF states that the limited extension of existing buildings in the Green Belt may be appropriate provided that it does not result in a disproportionate addition over and above the size of the original building. Policy RAP2 of the Warwick District Local Plan 1996-2011

specifies that extensions over 30% of the floor area of the original dwelling are likely to be considered disproportionate.

In the opinion of the Local Planning Authority, the proposed 69.3% increase in floor space would radically alter the scale and character of the original dwelling, thus constituting an undesirable extension and consolidation of a residential property likely to affect detrimentally the character of this rural locality, thereby constituting inappropriate development conflicting with the aims of Green Belt and Local Plan policy.

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

Planning Committee: 28 February 2017

Item Number: 8

Application No: [W/16/2099](#)

Registration Date: 16/11/16

Town/Parish Council: Beausale, Haseley, Honiley & Wroxall **Expiry Date:** 11/01/17

Case Officer: Holika Bungre
01926 456541 Holika.Passi@warwickdc.gov.uk

Swallows Rest, Red House Farm Lane, Beausale, Warwick, CV35 7NZ

Erection of single storey rear extension FOR Mr Tustin

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

RECOMMENDATION

Planning Committee are recommended to refuse the application, for the reasons set out at the end of this report.

DETAILS OF THE DEVELOPMENT

The proposal is to erect a single storey rear extension to a depth of 5m and width of 5m, with a dual pitched roof and gable end to continue the existing roof design with its gable end feature. It is proposed to have 4no. bi-folding doors to the rear, 3no. large window panels to its side elevation and 3no. roof lights to the proposed roof slope facing the garden area. Materials are proposed to match existing.

THE SITE AND ITS LOCATION

The application site relates to a dwellinghouse known as 'Swallows Rest', which is an L-shaped building and barn conversion with ground and first floor accommodation, which originally would have been part of the wider farm complex including The Hay Barn to the North and Lane Farm House. The property is sited within the Green Belt and open countryside, and is located to the west side of Red House Farm Lane.

The Hay Barn is a Grade II Listed Building, and Swallows Rest is Curtilage Listed as part of this, and has been treated this way in previous planning history. Householder Permitted Development Rights have been removed from the site for both Parts 1 and 2 of the General Permitted Development Order, as part of the permissions for the barn conversion.

PLANNING HISTORY

W/88/1825 - Granted - Conversion of two barns to dwellings with parking area and a new vehicular access (after demolition of a Dutch barn).

W/93/1380 and W/93/1381/LB - Granted - Conversion of two barns to dwellings with parking area and a new vehicular access (after demolition of a Dutch barn) - renewal of planning permission ref: W/88/1825.

W/98/1255 and W/98/1256/LB - Granted - Variation of Condition 1 (Time Limit) of W/93/1380/1LB for conversion of two barns to dwellings with parking area and a new vehicular access (after demolition of a Dutch barn).

W/03/0770 - Refused - Variation of Condition 1 (Time Limit) of planning permission ref: W/98/1255 for conversion of 2 barns to dwellings with parking area and a new vehicular access (after demolition of a Dutch barn).

W/03/0771/LB - Refused - Variation of Condition 1 (Time Limit) of W/98/1256/LB for conversion of barn to dwelling (after demolition of a Dutch barn).

W/06/0959 - Refused - Erection of carport and log store and variation of condition (permission W/98/1255) to retain one garage instead of two.

W/06/1272 - Granted - Conversion of redundant pigsty to garage and installation of oil tank and amendments to existing permission ref: W/88/1825.

W/16/0167 - Granted - Insertion of a window within the east elevation

Approvals presented to support the application

The following examples have been cited by the applicant in support of this application. The details have been explored as to their relevance to this case, and this is summarised as per the following:

W/09/0187 - Hatton Country World, Hatton - The erection of extensions to the existing indoor play barn... - Hatton Country World presents a commercial site and this development was approved on grounds of very special circumstances relating to viability issues as the proposals were considered necessary for the future viability of the site. Not comparable.

W/11/0844 - The Forge, Honiley Road, Beausale - Erection of single storey glazed link, between the existing two storey office unit and the single storey living unit. Proposed single storey two bay garage with store to the North-West corner of the existing site - This application concerned an agricultural complex with an extensive planning history where different links had been both approved and refused (at application and appeal stages), and the revised scheme which was approved here was within this context of the previous extensions which were already allowed at the property. The subject property does not have a history of such extensions and thus this case does not support the applicant's application.

W/14/0396 - Lyon Barn, Lyon Farm, Red House Farm Lane, Beausale - Erection of a single storey kitchen extension - While this site did concern a barn, it was not listed and was not within the setting of any Listed Buildings and is therefore not directly comparable to this application. The form and character of this property was also different to this barn, and its form was not affected in the same way as the subject property is by the proposals in this case.

W/15/0567 - Oak Farm House, Red House Farm Lane, Beausale - This application relates to a property that was originally a house not a barn, and had no form of Listing and was within the setting of a Listed building and is therefore not applicable.

RELEVANT POLICIES

- National Planning Policy Framework
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- RAP2 - Extensions to Dwellings (Warwick District Local Plan 1996 - 2011)
- RAP7 - Converting Rural Buildings (Warwick District Local Plan 1996 - 2011)
- DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- The Emerging Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE4 - Converting Rural Buildings (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H14 - Extensions to Dwellings in the Open Countryside (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- Guidance Documents
- Agricultural Buildings and Conversion - Barns (Supplementary Planning Guidance)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Sustainable Buildings (Supplementary Planning Document - December 2008)

SUMMARY OF REPRESENTATIONS

Beausale, Haseley, Honiley & Wroxall Parish Council: Support

Cllr Sur Gallagher: Support

WCC Ecology: No objection, subject to bat and bird notes

Public Response: 2 letters of support have been received on the following grounds:-

- Feels the improvements are modest and in keeping with surrounding properties.
- The changes will not have a detrimental impact to the overall appearance of the building.
- Only the roof will be visible from the lane, which blends in with the existing roof.
- Believes the proposals will improve the quality of living space.

Assessment

The main issues in the consideration of this application are:

- Whether the proposal is appropriate development in the Green Belt and, if not, whether there are any very special circumstances which outweigh the harm by reason of inappropriateness and any other harm identified
- Design and Impact upon Character and Heritage Assets
- Impact on Neighbour Amenity
- Renewables

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

The NPPF lists exceptions to inappropriate development in the Green Belt which includes the limited extension of buildings which are not disproportionate. Warwick District Local Plan Policy RAP2 indicates that an extension of more than 30% of the gross floor space of the original dwelling is likely to be considered disproportionate in the Green Belt.

The total original floor space of the house including the first floor accommodation is calculated to be 219.36 sq m. The proposed additions are 25 sq m. The proposed additions equate to an 11.4% increase in floor space upon the original dwelling and is therefore considered be proportionate in accordance with Policy RAP2. The proposal is therefore appropriate development in the Green Belt.

Design and Impact upon Character and Heritage Assets

Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Policy RAP7 of the adopted Local Plan refers to the need for the appearance and setting of a rural building following a conversion to protect and where possible, enhance the character and appearance of the countryside. The explanation to the policy states that where proposals include extending rural buildings as part of their conversion, these will not be approved unless it can be demonstrated that the extension is essential for the retention of the building.

The Council also has an adopted Design Guidance for Agricultural Buildings and Conversion SPG which seeks to protect the character and integrity of barns. As per standard practice, permitted development rights were removed as part of the permission for the conversion of the barn in order that the LPA could retain control over future alterations and extensions to ensure only appropriate works were carried out. Barns are characterised by their simple appearance and the Council's Design Guidance is quite clear that barn conversions should remain as "barn-like" as possible, and domestic or residential features are inappropriate

and harmful additions to barns and their settings, not in keeping with their character.

The Guidance specifically states that "*conversion work must be contained within the curtilage of the existing buildings: new extensions, glazed links or conservatories will not be permitted*" and "*don't remove original walling material or features, unless absolutely necessary as an integral part of a renovation programme*" Concerning doors, it states "*do restrict the amount of new doors openings to a minimum*" and "*don't use inappropriate domestic or period style doors or detailing*"

Given the above, the principle of extension is considered inappropriate and not permitted by the Guidance and it is considered that the proposed domestic feature will be harmful to the character of the original barn and its setting. It is also contrary to Policy RAP7 as the appearance and setting of the building following conversion will not be is not protected or enhanced by the proposals. This view is confirmed and reinforced by the Conservation Officer who believes the extension will unduly domesticate the barn's character. It will also involve the unnecessary removal of walls which is not an essential part of a renovation programme, which has already taken place with the original conversion.

The number and type of doors and window openings are also considered inappropriate, and a maximum number of glazed sections has been sought rather than a minimal number. This is not characteristic of barns where glazing tends to be limited. The existing barn has a very understated level of glazing with small openings. The roof lights are also linear adding to the domestic appearance of the extension, were as the current roof lights have already been positioned in a slightly more scattered way, appearing more sympathetic to the barn. The design and nature of the proposed doors, windows and roof lights proposed further adds to the domestic appearance of the extension.

The Conservation Officer has objected to this scheme raising the significance of the relationship of the property with the adjoining composition/listed property The Hay Barn. It is considered that the positioning of the extension will impact upon the simple L-plan form which is found here, which is characteristic of the simple vernacular. It's positioning will also detract from the original courtyard area formed by the L-shaped barn which faces inwards towards the farm house and the Hay Barn.

Concerning the street scene and public views, support has been made on grounds that only the roof will be visible from the lane, which blends in with the existing roof. However, the fact that there are views of the addition at all of the extension from the lane (which it is agreed that there will be) only further adds to the loss of the original layout of the building within the original farm complex and the detriment caused to the original and natural shape of the courtyard.

The proposed extension is therefore further considered harmful to the setting of the Listed Building and the relationship this property has with it, forming its significance, even in light of support received. The harm caused is considered to be less than substantial, and therefore this harm must be weighed against the public benefits of the proposal and consideration given towards the need to secure its optimum viable use. The proposal provides no public benefits and nor

is there a need to secure a viable use, which it already has. Therefore the harm is not outweighed by any other circumstances and the application should be refused.

Impact on Neighbour Amenity

The proposal is situated to the rear of the property, and not adjacent to any of the nearby properties, and no impacts of loss of light, privacy or outlook will occur to any neighbours.

Renewables

Given the limited scale of the proposed development it is considered that a requirement to provide 10% renewables/ fabric first approach in accordance with Policy DP13 and the associated SPD would not be appropriate.

Other Matters

Neighbour support has been acknowledged regarding the improvement that the proposals will make on the quality of living space, however the functionality of the space for occupiers is not a material planning consideration, and the extension is not essential for the property to be habitable.

Summary/Conclusion

The proposal of the single storey extension to Swallows Rest, a barn conversion, is considered inappropriate and unacceptable according to the Council's Design Guidance for Agricultural Buildings and Barn Conversions, and is by nature a residential addition to the barn which will increase its domestic character. The scale and design of the doors, windows and roof lights are also very domestic in style and the large panels of glazing are uncharacteristic of this barn, and involves the unnecessary loss of walls, all of which will add to the detriment caused to its character and integrity.

REFUSAL REASONS

- 1 Policy RAP7 of the Warwick District Local Plan (1996-2011) sets out a number of criteria for the conversion of existing rural buildings within the District and the policy specifically refers to the need for the proposed use to be accommodated without extensive rebuilding or alteration to the external appearance of the building, and for the appearance and setting of the building following conversion to protect and where possible, enhance the character and appearance of the countryside.

The application site which lies within the Green Belt, comprises a converted former agricultural building which is part of a larger complex of barns now used for residential occupation. The District Council has approved Supplementary Planning Guidance on barn conversions, and permitted development rights for subsequent extensions are removed in order to ensure that the character and appearance of the converted buildings and their setting within the wider countryside are respected

and protected.

In the opinion of the District Planning Authority, the proposed extension is considered inappropriate and unacceptable as it is by nature a residential addition to the barn which will increase its domestic character. The scale and design of the doors, windows and roof lights are also very domestic in style and the large panels of glazing are uncharacteristic of this barn, and involves the unnecessary loss of walling, all of which will add to the detriment caused to its barn-like character.

Overall it detracts from the original character and appearance of the agricultural complex of buildings, thereby prejudicing the objectives of the aforementioned policy. If permitted, this type of extension could act as a precedent for extensions to other converted barns which would be difficult to resist, thereby cumulatively eroding the character and appearance of the countryside to the detriment of the wider Green Belt and open countryside within the District.

- 2 Policy DAP4 of the Warwick District Local Plan 1996-2011 states that consent will not be granted to alter or extend a listed building where those works will adversely affect its special character or historic interest, integrity or setting, and NPPF Paragraph 134 states that Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The original form of the L-shaped barn and the significance of its relationship to the Listed Hay Barn and farm house will be negatively impacted by the proposed extension and its positioning, and therefore the general character of the Barn is eroded and less than substantial harm would be caused to the Heritage Asset. This harm is not outweighed by any public benefits and neither is there any need to secure the viability of the site.

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

Planning Committee: 28 February 2017

Item Number: 9

Application No: [W/16/2122](#)

Registration Date: 13/01/17

Town/Parish Council: Warwick

Expiry Date: 10/03/17

Case Officer:

Holika Bungre

01926 456541 Holika.Passi@warwickdc.gov.uk

Narrow Hall Meadow, Warwick, CV34 6NQ

Installation of 3no. non illuminated signs FOR Busy Bees

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

RECOMMENDATION

Planning Committee is recommended to grant the application, subject to 5 standard conditions and the conditions at the end of this report.

DETAILS OF THE DEVELOPMENT

In response to the concerns raised by the Town Council and local residents, the proposal has been amended to reduce the number of signs from 10 as originally proposed down to 3. There is now just 1 sign proposed to each visible elevation.

Sign 1 is a fascia sign proposed to the front gable above the main entrance of the nursery, adjacent the car park featuring the text 'Busy Bees Children's Day Nursery' and the logo. Sign 3 has the same content as sign 1, and is proposed to be sited to the north east elevation facing Purser Drive, between the ground floor door and windows and the first floor windows, centralised on the elevation. Sign 2 is a smaller sign located at ground floor level to the outer fencing, to the south west side, which faces the inner car park adjacent to the Community Hall. It includes the same content as Signs 1 and 3 as well as further text 'Reception' and a directional arrow.

THE SITE AND ITS LOCATION

The application site relates to the Busy Bees Nursery built within the Chase Meadow Local Centre between the front of the Community Hall and the car park. The building fronts Narrow Hall Meadow and faces Purser Drive.

PLANNING HISTORY

W/16/1760 - Display of non-illuminated advertisements to construction hoarding around perimeter of development site (retrospective application) - This was a temporary consent for the retrospective hoardings during the construction phase, which was secured by condition - Granted.

RELEVANT POLICIES

- National Planning Policy Framework
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

SUMMARY OF REPRESENTATIONS

Please note that all comments as below relate to original scheme for 10 No. signs.

Cllr Martyn Ashford: Objection

Warwick Town Council: Objection on grounds that the number of signs are unacceptable and there should be a maximum of two; the signs are found to be not in keeping for the area.

WCC Highways: No objection

Chase Meadow Residents Association: Objection, on the following grounds:-

- Ten signs is too many for a building of this size in a residential area and unnecessary. Two signs would be sufficient.
- The signs were installed before advertisement consent was granted and that a temporary agreement was reached until the planning application was determined to retain 2 signs, which the association would not have objected to.

Public Response: 48 letters of objection have been received, citing the following concerns:-

- 10 signs is excessive and extreme. Various other suggestions of what would be suitable ranging from 1 to 4 signs.
- Negative impact upon visual appearance of the residential area.
- Signs have poor design and will be an eye sore.
- Number of signs exacerbated by the size of the signs, colours and font which can be seen from distance, and are like hoardings.
- The 10 signs give the feel of a commercial area or industrial park.
- The large signs distract drivers and pedestrians and could cause accidents.
- The building is not very large relative to the proposals.
- The signs should not have been installed without permission.

Various other points were raised which are non material to the planning application.

Assessment

The main issues in the consideration of this application are the effect of the signs on the amenity of the area and public safety.

Amenity/ Design and Impact on the Street Scene

Many objections have been raised to the original scheme of 10 signs, stating that the number of signs is excessive for the building and its size, and for the residential area. It has been commented that a basic level of signage would be sufficient, and on average 2 or 3 signs is thought to be fit for purpose. The Planning Officer's assessment is in general agreement with this, and that the original proposal for 10 signs would create an unacceptable level of clutter and advertisement excess in this residential area.

As amended, the proposed signage is considered to be appropriate to the scale of the building and its context. The level of signage now proposed does not create unnecessary clutter, and appears balanced and appropriate within the residential area.

The colours, logo and font are not considered too bold, but are suitable for use of the nursery, and the level of information and design of each sign is minimal and simple, despite objections over these issues. The size of the signs are not inappropriate either as was raised by objections, hence no request by the planning authority to alter the scale of the remaining signs. The number and positioning of the signs is considered ideal, in that the one facing the highways is centrally placed on the building, the second is above the entrance and the third is at a lower level set within the car park to direct pedestrians to the entrance.

The proposal is therefore considered to accord with Policy DP1 of the Local Plan.

Public safety

No public safety issues are identified.

Summary/Conclusion

The amended scheme is thought to have suitably addressed planning and public concerns as voiced during the application, and is now much improved. The design, level of information and scale of the signs is considered appropriate and there are no issues surrounding public safety. Therefore the Advertisement Consent is recommended for approval.

CONDITIONS

- 6 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan submitted on 20th November 2016 and approved amended drawings 'Proposal Rev C south east elevation and south west elevation' and 'Proposal Rev C north west elevation and north east elevation' submitted on 9th February 2017, and specification contained therein. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

Planning Committee: 28 February 2017

Item Number: 10

Application No: [W/16/2129](#)

Registration Date: 21/11/16

Town/Parish Council: Leamington Spa

Expiry Date: 16/01/17

Case Officer: Helena Obremski

01926 456531 Helena.Obremski@warwickdc.gov.uk

38 High Street & 1 Court Street, Leamington Spa, CV31 1LW

Erection of second floor extension and alterations to the first floor to provide
4no. 1 bedroom flats FOR Mr H Biran

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The proposal seeks planning permission for a second floor extension and alterations to the first floor to provide 4no. one bedroomed, affordable flats. No on street parking is provided as part of the proposal, however, a parking survey has been submitted which shows that there is sufficient capacity on street within the wider area to accommodate the additional parking requirement. An existing external shed provides waste storage.

THE SITE AND ITS LOCATION

The application site is positioned on a corner plot to the south of High Street and east of Court Street, and is identified on the proposal maps as being within a Retail Area, although the wider area is mixed use and also forms part of the Royal Leamington Spa Conservation Area. The application relates to an existing two storey property, with ground floor retail unit and an existing one bedroom flat above.

PLANNING HISTORY

There are a number of previous permissions on the site, however, only the following is considered relevant to the assessment of the application:

W/16/0555 - Erection of a first floor and second floor extension to create 5no. two bedroomed flats - Withdrawn.

RELEVANT POLICIES

- National Planning Policy Framework

- The Current Local Plan
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- The Emerging Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE2 - Developing Strategic Housing Sites (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- Guidance Documents
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Vehicle Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: Object on grounds of lack of parking provision.

Waste Management: No objection, subject to adequate waste storage.

Health & Community Protection – Environmental Sustainability Section: No objection, subject to conditions.

WCC Highways: No objection.

Open Space: No objection, subject to open space contribution of £4,580.

WCC Ecology: No objection, subject to inclusion of bat and nesting bird notes.

Cllr Quinney: Objection. Welcomes the proposed addition of one bedroomed accommodation, but has concern regarding the additional pressure it will create to on-street parking. Adequate waste storage should be provided.

ASSESSMENT

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

- Principle of the Development
- Living conditions of the occupiers
- Car parking and highway safety
- Impact on Landscape and Heritage Assets
- Sustainability
- Open Space
- Ecological Impact
- Health and Wellbeing

Principle of the Development

The application site is located within a retail area and town centre; adopted Local Plan policy TCP2 aims to protect retail uses in this area. As the retail unit to the ground floor will be retained, it is not considered that the proposal would be harmful to the vitality of the town centre. Furthermore, adopted Local Plan Policy TCP11 encourages the use of upper floors for residential purposes. Policy UAP1 directs new residential units to previously developed sites in the urban areas. Therefore, the development is considered to be acceptable in principle.

Living conditions of occupiers

Warwick District Local Plan Policy DP2 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a responsibility for development not to cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion. The Residential Design Guide SPG provides a framework for Policy DP2, which stipulates the minimum requirements for distance separation between properties and that extensions should not breach a 45 degree line taken from a window of nearest front or rear facing habitable room of a neighbouring property.

The outlook for the majority of the rooms serving the flats would be overlooking either High Street or Court Street which is considered to be acceptable. However, there are habitable rooms which face the rear of the site onto the brick wall which forms part of the railway line. As the proposed residential accommodation will be on the first and second floors only, and owing to the relative height of the railway line to the rear of the site, this would be similar to the occupants looking out onto a single storey structure, which the Council has no minimum distance separation guide for. It is also noted that there are other residential properties along High Street which have a similar outlook. Therefore, the outlook for the proposed residential units is considered to be acceptable.

A noise report with mitigation measures has been provided by the agent. Environmental Health have been consulted on the application and have no objection to the proposal, subject to conditions to ensure that the mitigation measures proposed in the report will be secured and to ensure that a construction management plan will be provided to protect the living conditions of nearby residential properties.

It is considered that the proposed development will have no impact on nearby uses, subject to appropriate construction methods.

No outdoor amenity space is provided as part of the development, however, this is a traditional arrangement for flats. Furthermore, there are local open spaces within walking distance of the site.

Car parking and Highway Safety

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

Leamington Spa Town Council and Councillor Quinney have objected to the proposed development on grounds of lack of parking provision and potential impact on parking in the wider area.

No off street car parking has been provided and four spaces would be required by the development. As there is an existing one bedroom flat already provided within the property, the overall net increase in parking would be 3 spaces. The Council's adopted Vehicle Parking Standards Guidance SPD states that for residential development, car parking below the standard will only be allowed where there will be no adverse impact on on-street parking arising from the development and identifies criteria which would need to be met. One of those criteria is that there is sufficient capacity for on-street parking (whether within a Resident's Parking Zone or not) without detrimentally affecting the safety and convenience of other residents and occupiers.

A car parking survey has been provided which shows that there is sufficient on-street parking capacity within walking distance of the application site to accommodate this additional parking requirement. The survey was completed independently and in accordance with the Council's requirements, therefore it is considered to be reliable. It is noted that the Highway Authority have no objection to the proposal as there would be no harm caused to vehicular or pedestrian safety as a result of the proposed development. The proposal is therefore considered acceptable in terms of parking and highway safety and accords with Policy DP8.

Impact on Heritage Assets

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty when exercising planning functions to pay special attention to the desirability of preserving or enhancing the character of a conservation area.

Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The scheme has been negotiated between the Conservation Officer and agent to ensure that an acceptable design can be achieved that would not be harmful to

the Conservation Area. The design of the windows has been amended to replicate the existing windows and provide uniformity, and development will be no higher than the property next to the site. The proposal is now considered to be sensitive to the wider context and would not be harmful to the street scene or Conservation Area. The Conservation Officer has no objection to the proposal as amended.

Large scale details of the doors and windows will be conditioned to ensure a high quality design with the Conservation Area, along with sample materials.

The development is therefore considered to comply with the NPPF and Local Plan policy DAP8.

Renewables/Fabric First

The proposal will result in a material increase in the energy demand of the building and it is therefore appropriate to require the provision of renewables/fabric first approach in accordance with Policy DP13 and the associated SPD. This can be secured by condition.

Open Space

The Open Space team have no objection to the proposed development, subject to contribution of £4,580 towards local open space improvements. It is likely that the funds will be put towards improvements to Eagle Rec and the Spa Gardens. This can be secured by condition.

Ecological Impact

WCC Ecology have commented on the application and recommend the inclusion of bat and nesting bird notes, which will be implemented.

Waste

Councillor Quinney has expressed concerns regarding the waste storage for the proposed residential units. This has been addressed by the agent who has provided a plan to show that the existing timber shed can be used for waste storage purposes. Waste Management have no objection to the development, subject to adequate waste storage, which has been provided. A condition will be imposed to ensure that the shed will remain a waste storage area in perpetuity to ensure that there is no waste storage on street.

Health and Wellbeing

It is considered that this proposal will provide much needed small scale/affordable accommodation in a sustainable location which contributes to the health and wellbeing agenda.

CONCLUSION

The proposed residential units within this area adheres to the criteria set out within the adopted Local Plan. There would be no additional harm to nearby uses

or residents as a result of the proposal and the parking survey submitted shows that parking can be accommodated on street. Adequate waste storage has been provided and therefore the application should be granted.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 1107/1a and 1107/5 submitted on 7th February 2017, and 1107/2d and 1107 / 4d submitted on 15th February 2017, and specification contained therein. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 Unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy SC13 of the Warwick District Local Plan 1996-2011:
 - (i) no development shall commence unless or until a scheme for such provision or improvement (identifying the size/extent, location and specification of the space and works) has been submitted to and approved in writing by the Local Planning Authority; and
 - (ii) the dwellings hereby permitted shall not be occupied until the scheme so approved has been implemented.

REASON: To ensure the necessary infrastructure and facilities are provided in accordance with Policy SC13 of the Warwick District Plan 1996 – 2011.
- 4 No development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.
- 5 Other than site clearance and preparation works no works shall commence on the construction of the development hereby permitted until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved

details. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.

- 6 The development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO² emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.
- 7 The development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which shall have been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for: measures to control the emission of dust and dirt during construction; measures to limit noise and disturbance. **REASON:** In the interests of the amenities of the occupiers of nearby properties in accordance with Policies DP2 of the Warwick District Local Plan 1996-2011.
- 8 If an air source heat pump is chosen as the method to comply with the requirement for renewable energy, noise arising from the air source heat pump(s) permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **REASON:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.
- 9 The development hereby permitted shall not be occupied unless and until the refuse storage scheme has been constructed or laid out, and made available for use by the occupants of the development in accordance with the approved details and thereafter those areas shall be kept free of obstruction and be available at all times for the storage of refuse associated with the development. **REASON:** To ensure the satisfactory provision of refuse storage facilities in the interests of

amenity and the satisfactory development of the site in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011.

- 10 The development hereby permitted shall be constructed strictly in accordance with the Environmental Noise Survey and Assessment prepared "noise.co.uk" submitted on 21st November 2016. **REASON:** In the interest of protection nearby amenity and the satisfactory development of the site in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011.

Planning Committee: 28 February 2017

Item Number: 11

Application No: [W 16 / 2194](#)

Town/Parish Council: Leamington Spa
Case Officer: Liz Galloway
01926 456528 Liz.galloway@warwickdc.gov.uk

Registration Date: 14/12/16
Expiry Date: 08/02/17

37 Sherbourne Place, Clarendon Street, Leamington Spa, CV32 5SW
Erection of trellis panel on timber stilts FOR Mr. Narinder Bains

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

As amended, the proposal seeks to erect trellis panels supported by two timber stilts at the end of the rear garden adjacent to the property which abuts the rear boundary. The trellis and supports will be a total of 4.7 metres high and will be constructed using timber.

THE SITE AND ITS LOCATION

The application site relates to a dwellinghouse located on the east side of the road within a predominantly residential area. It is situated within the Royal Leamington Spa Conservation Area.

PLANNING HISTORY

W/11/1375 - Erection of single storey rear extension - Granted.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

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

The Emerging Local Plan

- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

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

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: No objection

Public Response: 5 objections have been received on grounds of the proposal being out of character, overbearing, unsightly, excessive height, loss of light, impact on the street scene and the Conservation Area and restriction of opening of neighbouring windows.

Assessment

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

- Design and impact on Conservation Area
- Impact on neighbouring residential amenity

Design/ 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. The proposed trellis will be constructed using traditional materials and will not be visible from public vantage points. It is therefore considered that it will preserve the character and appearance of the Conservation Area. It is also noted that the Council's Conservation Officer has not raised any objection to the proposal. The proposal is therefore considered that the proposal accords with saved Local Plan Policies DP1 and DAP8.

Impact on neighbouring residential amenity

Five neighbours have objected to proposed development on grounds of the impact on the character and appearance of the Conservation Area and the impact on the rear neighbours' windows.

The rear neighbour's side elevation abuts the rear boundary of the site and the trellis is proposed immediately adjacent to this side elevation, which has one small obscure glazed bathroom window and one small obscure glazed lounge window (secondary light source) which face directly onto the garden area belonging to the applicant. The proposed trellis would be situated immediately outside the bathroom window, however, it would be situated such that would still permit the window to be opened. While an unusual proposal and juxtaposition of properties, it is considered that the proposal would not result in material harm to the living conditions of the occupier of the neighbouring property by reason of loss of light or outlook as the windows are obscure glazed and one serves a non-habitable room and the other is a secondary light source. The proposal is therefore considered to comply with Warwick District Council Local Plan Policy DP2.

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 REVISED PROPOSED PLAN 4, and specification contained therein, submitted on 1st February, 2017. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

Planning Committee: 28 February 2017

Item Number: 12

Application No: [W 16 / 2291](#)

Town/Parish Council: Budbrooke

Registration Date: 15/12/16

Case Officer: Helena Obremski

Expiry Date: 09/02/17

01926 456531 Helena.Obremski@warwickdc.gov.uk

**Hampton View, Henley Road, Hampton On The Hill, Budbrooke, Warwick,
CV35 8QX**

Erection of single story building with flat, green (living) roof linking the two existing residential buildings that comprise the property, Hampton View. FOR Mr Purser

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

RECOMMENDATION

Planning Committee are recommended to refuse planning permission.

DETAILS OF THE DEVELOPMENT

The applicant seeks planning permission for the erection of a single storey, flat roof "link" building to connect the main dwelling to the existing annex. The link-building would have a green roof and would also house a plant room to serve the property.

There is an existing pergola which is positioned between the main property and the annex at present.

THE SITE AND ITS LOCATION

The application relates to a detached two storey dwelling and large single storey ancillary building to the south of Henley Road. The application site lies within the Green Belt.

The existing large single storey building to the rear of the property has lawful use as ancillary accommodation constructed under permitted development rights, with a Certificate of Lawfulness to demonstrate this approved in 2016 which was the reason for withdrawal of previous applications in 2014.

RELEVANT PLANNING HISTORY

Relevant planning history is as follows:

W/77/1082 - application approved for the erection of a two storey rear extension.

W/81/0186 - application approved for the rebuilding of the existing garage to form workshop.

W/84/1122 - application refused and dismissed at appeal for the erection of a garage, with laundry room and bedroom over.

W/10/1583 - application approved for rear extensions and increase in ridge height of the main dwelling.

W/14/1438 - application withdrawn for proposed erection of a single storey flat roof link building between existing cottage and ancillary building.

W/14/1648 - application withdrawn retention of the existing annex and proposed erection of single storey link building between existing cottage and existing annex (resubmission of W/14/1438).

W/16/1941 - application approved for a Certificate of Lawfulness for existing outbuilding to the rear of Hampton View used as an annexe.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- RAP2 - Extensions to Dwellings (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

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

Guidance Documents

- The 45 Degree Guideline (Supplementary Planning Guidance)
- Sustainable Buildings (Supplementary Planning Document - December 2008)

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

SUMMARY OF REPRESENTATIONS

Budbrooke Parish Council: No objection.

WCC Ecology: No objection, subject to the inclusion of bat and nesting bird notes. The construction of a green roof is welcomed.

Councillor Phillips: Councillor Phillips has indicated that he supports the proposal.

ASSESSMENT

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

- The Principle of the Development - whether the proposal causes harm to the openness of the Green Belt and if so, whether special circumstances exist which would outweigh the harm caused to the Green Belt.
- Design
- Impact on Neighbouring Residential Amenity
- Energy Efficiency/CO²
- Ecology

Principle of the Development - whether the proposal constitutes harm to the openness of the Green Belt and if so, whether special circumstances exist which would outweigh the harm caused to the Green Belt.

The National Planning Policy Framework (NPPF) states the essential characteristics of Green Belt are openness and permanence. Paragraph 89 in the NPPF states that the exceptions to inappropriate development in the Green Belt includes the extension or alteration of a building (inter alia) where they do not result in disproportionate additions over and above the size of the *original* building.

Adopted Local Plan policy RAP2 and emerging Local Plan policy H14 allow extensions to dwellings unless they result in disproportionate additions to the original dwelling, which:

1. do not respect the character of the original dwelling by retaining its visual dominance;
2. do not retain openness by significantly extending the visual impression of the built environment; or
3. substantially alter the scale, design and character of the original dwelling.

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

In policy RAP2 of the adopted Local Plan and policy H14 of the emerging Local Plan the original dwelling is defined as that which existed on 1 July 1948 or, if constructed after that date, as it was originally built. This reflects the definition given in the Framework. The justification also indicates that additions to dwellings within the Green Belt (taking into account any previous extensions permitted) which represent an increase of more than 30% to the gross floor space of the original dwelling, excluding any detached buildings, are likely to be considered disproportionate.

The original house (as it stood in 1948) is calculated as 51msq. The *existing property* already benefits from substantial extensions, including two storey side and rear extensions, which create an increase in floor space of 28msq, representing a 55% increase above the original floor space.

When considering the addition of the link building, which provides an additional floor area of 28msq, when this is combined with the existing extensions, this represents a total increase above the original floor space of 111%. When the floor space of the annex is then added (an additional 133msq), this represents a total increase above the original floor space, when taking the existing extensions and link into consideration, of 370%.

This increase represents a significant departure from the Council's adopted guidance of 30% as set out by adopted Local Plan policy RAP2 and is considered to represent a disproportionate addition to the dwelling, which would substantially extend the visual impression of the original dwelling and significantly increases the overall bulk and mass of the original dwelling. It is considered that the scale and mass of the existing extensions has already diluted the visual dominance of the original dwelling. The Case Officer concluded in their report for application W/10/1583 when approving rear extensions and increasing the ridge height of the dwelling that:

It is considered reasonable to remove permitted development rights for further extensions, since this site is within the Green Belt where further additions would be highly likely to detract from the original scale and character of the dwelling, contrary to Policy RAP2.

The applicant states that a flat roof has been chosen to minimise the impact on the wider area and owing to the existing vegetation on the site, the extension would not be visible. However, the original property has already been substantially extended and as previously noted, Officer's considered that any further extensions to the property would be inappropriate and harmful to the openness of the Green Belt.

It is considered that the proposed flat roof link-building would not have a significant impact on the street scene in design terms, however, currently, the main dwelling and annex are clearly read as two separate buildings. They are positioned within 5 metres of each other, but from any views of the site, these are read separately. Attaching a link-building between the two buildings would lose this sense of separation and would harm openness to the Green Belt.

In addition, the overall scale and mass that the proposed link-building and annex provide, when taken together with the existing extensions would visually increase the extent of the built development on the site, significantly altering the scale, mass, design and character of the original, simple rural dwelling.

The proposed extensions when taken together with the existing extensions would significantly exceed the 30% guideline as set out in adopted Local Plan policy RAP2 and emerging Local Plan policy H14. The proposed extensions would therefore represent a disproportionate addition to the original dwelling and on this basis would constitute inappropriate development within the Green Belt, contrary to adopted Local Plan policy RAP2, emerging Local Plan H14 and the NPPF.

The applicant proposes that the link is needed because moving from the main dwelling to the annex and back again is inconvenient, inefficient and unsatisfactory by reason of having to go outside. However, this is not considered to represent special circumstances which would outweigh the harm caused to the openness of the Green Belt as a result of the proposed development.

Finally, the Council has concerns that allowing a link of this nature could set a precedent for similar development, which could cause further erosion of openness within the Green Belt. Therefore, the proposal is considered to be contrary to Policy RAP2 of the adopted Local Plan and para 89 of the NPPF as it represents inappropriate development within the Green Belt and no special circumstances have been provided which would outweigh this harm.

Design

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 adopted Local Plan 1996 - 2011 policy DP1 and emerging Local Plan 2011 - 2026 policy BE1 reinforce the importance of good design stipulated by the NPPF as they require all development to respect surrounding buildings in terms of scale, height, form and massing. The policies call for development to be constructed using the appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area. Finally, the Residential Design Guide sets out steps to be followed in order to achieve good design in terms of the impact on the local area; the importance of respecting existing important features; respecting the surrounding buildings and using the right materials.

The proposed extensions would not have a detrimental impact on the street scene. The proposed green roof is considered to be sensitive to the rural

surroundings and sits comfortably between the main dwelling and annex. The link-building is acceptable in design terms.

Impact on Neighbouring Residential Amenity

Adopted Local Plan policy DP2 and emerging Local Plan policy BE3 require all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a responsibility for development not to cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion. The Residential Design Guide provides a framework for adopted Local Plan policy DP2 and emerging Local Plan policy BE3, which stipulates the minimum requirements for distance separation between properties and that extensions should not breach a 45 degree line taken from a window of nearest front or rear facing habitable room of a neighbouring property.

There are no nearby neighbours which could be impacted by the proposed development.

Energy Efficiency/CO²

Due to the scale of the proposed development it is considered that a requirement to provide 10% of the predicted energy requirement of the development through renewables or a 10% reduction in CO² production through a fabric first approach would not be appropriate. The proposed development is therefore considered to be in accordance with adopted Local Plan policies D12 and D13, emerging Local Plan policy CC2 and the Council's adopted supplementary guide on sustainable buildings.

Ecology

WCC Ecology have no objection to the proposal, subject to the inclusion of bat and nesting bird notes which are considered to be acceptable.

Conclusion

The proposed link building and subsequent extension of the dwelling are considered inappropriate development within the Green Belt and no very special circumstances have been put forward which would outweigh the harm to the openness of the Green Belt. Therefore, the proposal is not considered to comply with the NPPF, adopted Local Plan policy RAP2 and emerging Local Plan policy H14.

REFUSAL REASONS

- 1 The property, subject of the application, is within the Green Belt, wherein the Local Planning Authority is concerned to ensure that the rural character of the area will be retained and protected in accordance with national policy guidance contained in the National Planning Policy

Framework (NPPF). The NPPF states that the limited extension of existing dwellings in Green Belt areas may be appropriate provided that it does not result in a disproportionate addition over and above the size of the original dwelling. Policy RAP2 of the Warwick District Local Plan 1996-2011 and policy H14 of the emerging Warwick District Local Plan 2011-2026 seek to prevent extensions to dwellings which substantially alter the scale, design and character of the original dwelling and indicates that extensions which are greater than 30% of the floor area of the original dwelling are likely to be considered disproportionate.

In the opinion of the Local Planning Authority it is considered that, when taken together with the existing extensions, the proposed development would radically alter the scale and character of the original dwelling, thus constituting a disproportionate extension of the original dwelling which would constitute inappropriate development in the Green Belt harmful by definition and also result in a material loss of openness of this part of the Green Belt. The proposal would therefore be contrary to the aforementioned policies.

Planning Committee: 28 February 2017

Item Number: 13

Application No: [W 16 / 2301](#)

Town/Parish Council: Whitnash
Case Officer: Liz Galloway

Registration Date: 21/12/16
Expiry Date: 15/02/17

01926 456528 Liz.galloway@warwickdc.gov.uk

24 Ashford Gardens, Whitnash, Leamington Spa, CV31 2NB
Erection of single storey rear extension FOR Mr G Sandhu

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The proposal seeks permission for the erection of a single storey rear extension after demolition of existing garage.

THE SITE AND ITS LOCATION

The application property is a semi detached dwelling located to the north of Ashford Gardens within a predominantly residential area.

PLANNING HISTORY

W/88/0706 - Erection of single and two storey side and rear extension - Granted.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

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

The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

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

SUMMARY OF REPRESENTATIONS

Whitnash Town Council: Object on grounds of overdevelopment of site, unneighbourly and loss of amenity land.

ASSESSMENT

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

- Design;
- Impact on the living conditions of neighbouring dwellings;
- Energy Efficiency/CO₂;
- Health and Wellbeing.

Design

The proposed design is considered to be acceptable as it provides a subservient form of extension which will not have a material adverse impact on the character and appearance of the street scene. The proposed extension is typical of the design and size of extensions on many properties in the surrounding area and is therefore considered to comply with Policy DP1 and the Residential Design Guide SPG.

The impact on the living conditions of neighbouring dwellings

The proposed extension would breach the 45 degree line taken from the neighbouring property at No.22 Ashford Gardens. However, this is already breached by the existing garage at the application site, which is proposed to be removed to facilitate the proposal. While there is a modest gap which exists between the application property and its existing garage, there is also a brick wall along the boundary with No.22. Furthermore, due to No.22 being situated on a higher ground level, the orientation of the property and the use of a shallow roof on the proposed extension, No.22 having a large outbuilding on the boundary with the application and no objection being raised by the neighbour, it is considered, on balance, that there will be no material harm to the living

conditions of the occupiers of No.22 by reason of loss of light or outlook such as to warrant a reason for refusal.

Number 26 Ashford Gardens has a single storey rear extension and there is no conflict with the Council's adopted 45 degree guidance from this property and therefore it is considered that there will be no material harm by reason of loss of light or outlook.

The Town Council's objections on overdevelopment and loss of amenity space are noted. It is acknowledged that the proposal is a large extension which takes up a large proportion of the existing garden, however, it is considered that an adequate level of amenity space would remain and there would be no material harm to neighbours or the wider area.

Renewable Energy

Due to the scale of the proposed development it is considered that a requirement to provide 10% of the predicted energy requirement of the development through renewables or a fabric first approach in accordance with Policy DP12 and the associated SPD would be appropriate. This can be secured by condition.

Health and Wellbeing

Not applicable

SUMMARY/CONCLUSION

The proposed single storey rear extension is considered to be acceptable for the reasons provided above and is considered to accord with the policies listed.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing 1102-D, and specification contained therein, submitted on 19th December, 2016. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 The development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO² emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied

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

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

- 4 If an air source heat pump is chosen as the method to comply with the requirement for renewable energy, noise arising from the air source heat pump(s) permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **REASON:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

- 5 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON :** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.

Planning Committee: 28 February 2017

Item Number: 14

Application No: [W 17 / 0071](#)

Registration Date: 17/01/17

Town/Parish Council: Kenilworth

Expiry Date: 14/03/17

Case Officer: Satu Pardivalla

01926 456534 satu.pardivalla@warwickdc.gov.uk

13 Spring Lane, Kenilworth, CV8 2HB

Erection of a detached garage to front of property. FOR Mr. Gordon Cain

This application is being presented to Committee as the applicant is a Member of the Council.

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

This application is a re-submission of an application for a detached garage on an area of land at the front of the application property immediately to the back of Spring Lane. The proposed garage has been reduced in size from the previous proposal and is proposed to be 3.9m in width (previously 5m), 5.6m in depth (previously 6.4m) and 3.9m to ridge (previously 5.6m). As previously, the front of the garage will face east and is adjacent to the gable wall of the neighbouring dwelling to the west, No 11 Spring Lane.

There is an existing wall and railing boundary feature on the site frontage which is proposed to be retained.

THE SITE AND ITS LOCATION

The application site is located to the north of Spring Lane, some 70m to the east of its junction with Albion Street. No 13 is a detached property, it has had a two storey side extension and an existing garage at the side of the property.

The main house is positioned at the rear of the plot with part of the area to its front forming its main garden. A 2.5m high brick wall encloses the majority of the garden nearest to the house, with the remaining land up to the highway being more open and delineated on the boundary as described above.

This part of Spring Lane is characterised by closely knit terraced housing to its south, and a variety of semi-detached, and detached dwellings to the north. The open character of the application site is uncharacteristic of the surrounding more densely built form.

PLANNING HISTORY

W/99/0141 - Two storey side extension and garage - Granted March 1999.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

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

SUMMARY OF REPRESENTATIONS

Ecology: Recommends a nesting bird note.

Highway Authority: No objection.

Landscape Team: No objection subject to a condition requiring details of hard and soft landscaping.

Kenilworth Town Council: No objection.

Public Response: Representations have been received from two residents, the comments can be summarised as follows:

- Matching materials should be used.
- Consideration should be given to traffic during construction works.
- The proposed climbing roses and replacement tree should be required through condition.
- Concerns regarding the future storage use of the proposed garage, and wider access arrangements.

Assessment

The main issues in the consideration of this application are the impact of the proposal on the character and appearance of the area, and on the residential amenities of the occupiers of neighbouring dwellings and in terms of highway safety.

Character and Appearance of the Area

The surrounding area can be characterised as a close knit dense residential environment comprising a range of dwelling types of which the application site is not characteristic. This revised proposal, whilst proposing built form in a currently open area nevertheless proposes a building which will be of appropriate scale and design within this street scene such that it does not materially detract from the character and local distinctiveness of the area.

Residential amenities

The proposed garage will be set against the gable wall of a neighbouring dwelling, with access through an existing shared point on the highway. It is therefore considered that any adverse impact on residential amenities will be minimal.

There is a separation distance of 9.5m between the garage and the front of properties opposite the site and located on the southern side of Spring Lane which is considered to mitigate against any significant adverse impact through dominance and visual impact.

Highway Safety

It is not considered that the proposal raises any significant issues of highway safety.

Other Matters

Comment has been made about the loss/replacement/ecological value of a semi-mature tree at the site frontage. This tree is not subject to a Tree Preservation Order or considered to merit such protection. It is nevertheless considered appropriate to impose a condition requiring the submission of an appropriate landscaping scheme in order to assist with the softening of the proposed development.

Representations have been made about the impact of construction works on traffic, the use of the building for purposes of other than parking vehicles, and widening the access. The proposal relates to a minor development which is unlikely to have a significant impact on local traffic-the Highway Authority has no objections. Internal rearrangement with regards to vehicular circulation would not require consent.

Summary/Conclusion

The proposal is considered to be acceptable in retaining the character of the surrounding area without materially impacting on residential amenity or highway safety.

- 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)Nos: M1636_PL_DRG_0003, M1636_PL_DRG_0005, M1636_PL_DRG_006, and specification contained therein, submitted on 17 January 2017. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON :** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.
- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification) no windows or openings (apart from any shown on the approved drawings) shall be formed in the south facing elevation of the garage hereby approved without the written approval of the local planning authority and if any additional windows are subsequently approved they shall only be glazed or re-glazed in accordance with such approved details and any opening part of any window shall be at least 1.7m above the floor of any room in which the window is installed. **REASON:** To ensure the amenities of adjoining properties are not detrimentally affected through overlooking or loss of privacy in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011.
- 5 The building hereby permitted shall be used only for purposes ancillary to the use of 13 Spring Lane for residential purposes and for no other purpose (even if such other purpose would not otherwise require planning permission or would otherwise be permitted by any legislation), unless otherwise agreed in writing by the local planning authority. **REASON:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.
- 6 The development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which

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