

Planning Committee

Tuesday 27 February 2018

A meeting of the above Committee will be held at the Town Hall, Royal Leamington Spa on Tuesday 27 February 2018 at 6.00pm.

Councillor Cooke (Chairman)

Councillor Day (Vice Chairman)

Councillor Boad

Councillor Mrs Hill

Councillor Mrs Bunker

Councillor Morris

Councillor D'Arcy

Councillor Mrs Stevens

Councillor Edgington

Councillor Weed

Councillor Heath

Emergency Procedure

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

Agenda

Part A – General

1. Apologies and Substitutes

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

2. Declarations of Interest

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

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

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

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

3. **Site Visits**

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

4. **Minutes**

To confirm the minutes of the Planning Committee of 30 January 2018 **(To follow)**

Part B – Planning Applications

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

- | | | |
|-----|--|------------------------|
| 5. | W/14/0967 – Land North of Gallows Hill, Warwick | (To follow) |
| | **This is a major development** | |
| 6. | W17/1552 – Land On The North Side of Common Lane, Crackley Triangle, Kenilworth | (Pages 1 to 8) |
| | **This is a major development** | |
| 7. | W/17/2145 – Abbey Farm, Ashow Road, Ashow | (Pages 1 to 10) |
| 8. | W/17/2146/LB – Abbey Farm, Ashow Road, Ashow | (Pages 1 to 4) |
| 9. | W/17/2209 – Land at Westham Lane, Barford | (Pages 1 to 7) |
| 10. | W/17/2275 – Land to the south of Gallows Hill, Warwick | (Pages 1 to 26) |
| | **This is a major development** | |
| 11. | W/17/2315 – Plot 8001 – 8004, Tournament Fields, Stratford Road, Warwick | (Pages 1 to 10) |
| 12. | W/17/2326 – 9 Stuart Close, Warwick | (Pages 1 to 4) |
| 13. | W/17/2343 – 131 Warwick Road, Kenilworth | (Pages 1 to 12) |
| 14. | W/17/2347 – Baginton School (Sunday School Rooms), Church Road, Baginton | (Pages 1 to 12) |
| 15. | W/17/2370 – Sherbourne Farm, Sherbourne Hill, Sherbourne | (Pages 1 to 6) |
| 16. | W/17/2388 – 24 Saltisford, Warwick | (Pages 1 to 4) |
| 17. | W/17/2429 – 47b Fieldgate Lane, Kenilworth | (Pages 1 to 6) |
| 18. | W/18/0006 – Leigh Foss, The Valley, Radford Semele | (Pages 1 to 4) |
| 19. | W/18/0059 – 31 Offa Drive, Kenilworth | (Pages 1 to 4) |

Part C – Other matters

- | | | |
|-----|-----------------------|--------------------|
| 20. | 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.

Published Monday 19 February 2018

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

Telephone: 01926 456114

E-Mail: committee@warwickdc.gov.uk

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

Application No: [W 17 / 1552](#)

Town/Parish Council: Kenilworth

Case Officer: Lucy Hammond

01926 456534 lucy.hammond@warwickdc.gov.uk

Registration Date: 06/11/17

Expiry Date: 05/02/18

Land On The North Side Of, Common Lane (Crackley Triangle), Kenilworth

Application for approval of reserved matters (details of appearance, landscaping, layout and scale) pursuant to condition 1 of planning permission ref: W/14/1340 for the erection of 93 dwellings. FOR Bloor Homes Western

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

RECOMMENDATION

Planning Committee are recommended to APPROVE these reserved matters.

DETAILS OF THE DEVELOPMENT

This is an application for the approval of reserved matters under outline planning permission no. W14/1340 for the erection of 93 dwellings. The reserved matters for which approval is sought are details of appearance, landscaping, layout and scale. The outline planning permission has already approved details of access.

The proposed layout shows a single access road creating a loop around the site, with the dwellings fronting onto either side of this. There are also one or two private drives and parking courts leading off this access road. The proposed dwellings are a mixture of 2 and 2.5 storeys in height. The dwellings are to be constructed of predominantly brick and tile, with a small number of rendered units.

Vehicular access to the site is from Common Lane, as approved at outline stage. The proposed layout also includes a footpath link through to the adjacent cycleway towards the north-western corner of the site.

THE SITE AND ITS LOCATION

The site adjoins the north-eastern side of Kenilworth and forms a triangular piece of land between the railway cutting to the east and Kenilworth Greenway to the west. The Greenway is a linear country park, permissive bridleway, and Sustrans route 52. The southern corner of the site adjoins Common Lane.

On the opposite side of the railway are dwellings on Highland Road, and on the opposite side of the Greenway are dwellings on Woodland Road. The application site adjoins the residential curtilage of one dwelling on Redthorne Grove where there are

TPO oak and horse chestnut trees close to the site boundary. There are two further TPO oak trees towards the north-eastern corner of the site.

The entire site is within Flood Zone 1. The site slopes in a north easterly direction from the south, from 92m AOD to 79m AOD towards the Canley Brook. The site is within the Feldon Parklands local landscape character area. The safeguarding route of HS2 lies 320m to the north-east of the site.

The site forms part of a housing allocation in the local plan and is largely outside of the Green Belt. The exception is a parcel of land in the north-east corner of the site where the attenuation pond is proposed. All of the housing plots and roads are outside of the Green Belt.

PLANNING HISTORY

W/14/1340 - Erection of up to 93 dwellings together with open space, drainage infrastructure and access from Common Lane (outline application including details of access) (Resubmission of W/14/0618) – Approved 23.12.2014

A subsequent application to vary the renewables condition on the above outline consent was granted in 2016 (Ref. W/16/1724).

Another application to vary the condition relating to the mix of market housing was granted in 2017 (Ref. W16/1542).

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- DS11 - Allocated Housing Sites (Warwick District Local Plan 2011-2029)
- H0 - Housing (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- H2 - Affordable Housing (Warwick District Local Plan 2011-2029)
- H4 - Securing a Mix of Housing (Warwick District Local Plan 2011-2029)
- H10 - Bringing forward Allocated Sites in the Growth Villages (Warwick District Local Plan 2011-2029)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR2 - Traffic generation (Warwick Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029)

- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)
- DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Affordable Housing (Supplementary Planning Document - January 2008)
- Vehicle Parking Standards (Supplementary Planning Document)
- Open Space (Supplementary Planning Document - June 2009)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Distance Separation (Supplementary Planning Guidance)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Warwickshire Landscape Guidelines SPG
- Garden Towns, Villages and Suburbs - A prospectus for Warwick District Council (Consultation document - May 2012)

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: Object on the following grounds:

- there are no electric vehicle charging points;
- there is no suitable energy provision;
- there is no clear plan for sustainable drainage;
- there is concern regarding the future maintenance of the green space;
- the affordable housing is not pepper-potted; and
- proposed three storey buildings on the edge of the Green Belt prevents a soft edge to the development.

Stoneleigh and Ashow Parish Council (adjoining parish): No objection.

Public response: Objections have been received from 7 local residents, raising the following concerns:

- concerns about the cumulative impact on the gap between Kenilworth and Coventry;
- detrimental to highway safety;
- concerns about the access being on a dangerous and tight bend, between two bridges, with heavy traffic;
- the site access is inadequate;
- vehicular access should be provided from Coventry Road;
- concerns about traffic on surrounding roads;
- insufficient parking;
- recent felling of trees in the nature reserve area alongside the development;
- concerns about access to the attenuation pond for maintenance purposes;
- lack of drainage details;
- increased risk of flooding to the Canley Brook and Finham Brook;
- the noise barrier indicated in the outline planning application has not been shown;
- and

- the affordable housing has been located in the areas where the noise report has indicated that mechanical rather than natural ventilation will be required to manage noise levels;

Natural England: No comment.

Warwickshire Police: No comment.

WCC Rights of Way: No objection.

WCC Archaeology: No comment.

WCC Flood Risk Management: No objection.

WCC Highways: No objection, following the receipt of amended plans.

WCC Landscaping: No objection, following the receipt of amended plans.

WCC Ecology: Raise concerns about the landscaping proposals. Also raise concerns relating to the Landscape and Ecological Management Plan that has been submitted to discharge the relevant condition on the outline planning permission.

WDC Housing Strategy: No objection.

WDC Waste Management: No objection.

WDC Green Space: Raise queries about the proposed open space provision.

ASSESSMENT

As this is an application for the approval of reserved matters, it is not possible to reconsider the principle of development. This was considered in the assessment of the outline planning application and was found to be acceptable. The outline planning permission also approved the vehicular access to the site and therefore this too is not a matter that can be considered in the assessment of this application for the approval of reserved matters. Consideration of the current application can only consider issues related to the detailed layout and design of the development.

In view of the above, the main issues relevant to the consideration of this application are as follows:

- impact on the living conditions of nearby dwellings;
- provision of a satisfactory living environment for future occupants of the proposed dwellings;
- impact on the character and appearance of the area;
- impact on trees and hedgerows;
- car parking and highway safety;
- ecological impact of the proposals;
- affordable housing; and
- the mix of market housing.

Impact on the living conditions of nearby dwellings

The closest relationship with existing dwellings is with the adjacent dwelling at No. 5 Redthorne Grove, at the north-western corner of the site. The proposed dwellings in that corner of the site are almost side-on to the boundary, with the separation distance from the rear of No. 5 being 25m, well in excess of the 12m minimum specified in the Council's Distance Separation Guidelines.

The proposed dwellings would be separated from the existing dwellings in Woodland Road, Common Lane and Highland Road by the Greenway and the railway line. The separation distances here are well in excess of the minimums required by the Council's Distance Separation Guidelines and therefore the proposals would have no significant impact on those properties in terms of loss of light, loss of outlook or loss of privacy.

For the above reasons, it is considered that the proposed layout would not cause unacceptable harm to the living conditions of neighbouring dwellings.

Provision of a satisfactory living environment for future occupants of the proposed dwellings

With some minor exceptions, the rear-to-rear and front/rear-to-side separation distances between dwellings within the proposed layout would accord with the Council's Distance Separation Guidelines. The exceptions are considered to be acceptable because they relate to rear-to-side relationships where the affected rear rooms have an alternative source of light and outlook in the side elevation (e.g. plots 15, 78 and 83).

Some of the front-to-front distances would be less than the minimum 22m distance specified in the Guidelines, but this is considered to be appropriate in the interests of good design and where this relationship is across a public road. The provision of a minimum 22m distance at the rear (private) side of the dwellings is considered to give a reasonable degree of privacy and combined with the reduced distance at the front this would secure an appropriate balance between privacy and creating a well-designed street scene where the dwellings are not set too far back from the street.

Turning to the issue of noise impacting on future occupiers of the development, the key potential sources of noise are the railway line and road traffic. The comments of Environmental Health are awaited on this issue and will be included in the addendum report to Committee. However, this matter is dealt with by a condition on the outline planning permission which requires the submission of a scheme detailing arrangements to protect residents of the development from excessive noise. A scheme has been submitted under this condition and is under consideration as a separate discharge of conditions application.

Subject to the satisfactory resolution of the noise issue, it is considered that the proposed layout would create a satisfactory living environment for future occupiers of the development.

Impact on the character and appearance of the area

The proposals incorporate some of the key principles of the Council's Garden Towns, Villages and Suburbs Prospectus. This includes the use of perimeter blocks and the provision of tree planting to the frontages. The layout includes frontage development onto all of the roads within the site and onto the main area of public open space.

There are some aspects of the layout that do not accord with the Garden Towns, Villages and Suburbs Prospectus. This includes the absence of a green verge along the main access road and the fact that parts of the layout have substantial unrelieved areas of hard surfacing to the frontages of dwellings as a result of there being extensive runs of frontage parking. Discussions are ongoing with the applicant on these matters and an update will be provided in the addendum report to Committee.

The landscaping details have been amended to address concerns that had been raised by WCC Landscape. These changes have included the provision of a 5m landscape buffer zone incorporating tree planting along the northern boundary, tree planting around the attenuation pond, and tree planting within the rear gardens of the dwellings backing on to the railway line. WCC Landscape have raised no objection to the amended landscaping details.

Turning to the design of the buildings, these are predominantly two storey, with an element of 2.5 storey dwellings. There would be a variety of detached, semi-detached and terraced dwellings. The design of the dwellings is considered to be appropriate for this location and in keeping with existing development in the locality.

For the above reasons, subject to the resolution of the issues relating to the Garden Towns, Villages and Suburbs Prospectus, it has been concluded that the proposals would be in keeping with the character and appearance of the area.

Impact on trees / hedgerows

The outline planning permission allowed for the removal of a number of trees and hedgerows from the site and identified which trees and hedgerows are to be retained. The proposed layout and landscaping details are in accordance with these previously approved tree retention / removal details. The layout has been designed around the retained trees and hedgerows and provides adequate clearance to ensure that no undue harm is caused to these trees / hedgerows.

Car parking and highway safety

The layout has been amended to address concerns that had been raised by the Highway Authority. As a result, the proposals are now considered to be acceptable from a highway safety point of view.

Objectors have raised concerns about the proposed access and off-site highway impacts. However, the access and off-site highway impacts were considered in the assessment of the outline planning application and cannot be reconsidered as part of this reserved matters application.

Turning to the issue of car parking, this is provided in accordance with the Council's standards. A condition is recommended to require covered cycle parking for the proposed flats.

Ecological impact of the proposals

WCC Ecology raised a number of concerns about the initial landscaping proposals, as well as concerns about the Landscape and Ecological Management Plan that was submitted to discharge the relevant condition on the outline planning permission. Discussions are ongoing between the applicant and WCC Ecology on these issues. An update on this matter will be provided in the addendum report to Committee.

Affordable housing

Discussions are ongoing with the applicant regarding the spread and location of the affordable housing units. An update on this issue will be provided in the addendum report to Committee.

The Council's Housing Strategy team have raised no objection to the proposals.

Mix of market housing

The mix of market housing comprises 11% 2 bedroom, 29% 3 bedroom and 61% 4+ bedroom (NB. this adds up to 101% due to rounding). This is in accordance with the mix that was approved in the amended outline application (due to viability issues). Therefore the mix is considered to be appropriate.

Other matters

The Council's Green Space team have raised queries about the proposed open space provision. A response is awaited from the applicant in relation to these queries and an update on this matter will be provided in the addendum report to Committee.

There has been no objection from WDC Waste Management. Therefore it has been concluded that the proposals make adequate provision for the storage and collection of refuse and recycling. A condition is recommended to require the submitted details of the bin stores for the proposed flats.

The Town Council and other objectors have raised concerns about a number of other issues, including Green Belt, drainage, flood risk, electric vehicle charging points, renewable energy provision and maintenance of the green space. However, these issues relate to the principle of development and were all considered in the assessment of the outline application. It is not possible to reconsider these issues in the assessment of this application for the approval of reserved matters. It should also be noted that many of these issues are addressed by conditions on the outline planning permission and by the associated Section 106 agreement.

SUMMARY / CONCLUSION

Subject to the resolution of the various outstanding matters highlighted above, the proposals would have an acceptable impact on the living conditions of nearby dwellings and would provide a satisfactory living environment for future occupants of the proposed dwellings. Furthermore, subject to these outstanding matters the proposals would have an acceptable impact on the character and appearance of the area and on trees, hedgerows and ecology. Finally the proposals are considered to be

acceptable in terms of car parking and highway safety. Therefore it is recommended that this application for the approval of reserved matters is approved.

CONDITIONS

- 1 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s), and specification contained therein. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
 - 2 The development shall be carried out only in full accordance with sample details of the facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
 - 3 None of the dwellings hereby permitted shall be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings for that dwelling have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **REASON:** To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual amenity in accordance with Policies BE1, BE3 & TR3 of the Warwick District Local Plan 2011-2029.
 - 4 None of the flats hereby permitted shall be occupied unless bin and cycle stores have been constructed in strict accordance with details that shall have been submitted to and approved in writing by the local planning authority. The bin and cycle stores shall be retained and kept available for the storage of refuse and recycling and for the parking of cycles at all times thereafter. **REASON:** To protect the amenities of occupiers of the site and the character and appearance of the locality and to ensure that sufficient cycle parking is available, in accordance with Policies BE1, BE3 & TR3 of the Warwick District Local Plan 1996-2011.
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Application No: [W 17 / 2145](#)

Town/Parish Council: Ashow
Case Officer: Dan Charles

Registration Date: 14/11/17
Expiry Date: 09/01/18

01926 456527 dan.charles@warwickdc.gov.uk

Abbey Farm, Ashow Road, Ashow, Kenilworth, CV8 2LE

Conversion and extension of the existing garage/outbuilding and linking to the existing annexe building to create a new separate dwelling. FOR Mr & Mrs Burdett

This application has been requested to be presented to Committee by Councillor Wright and 5 letters of support have been received.

RECOMMENDATION

That planning permission is **REFUSED** for the reasons set out at the end of this report.

DETAILS OF THE DEVELOPMENT

The proposed development is to create a separate dwelling by providing a link from an existing outbuilding to connect it to an existing garage building both of which are within the curtilage of the main property, Abbey Farm. The garage building would have the frontage infilled to create additional living accommodation.

- The existing outbuilding has a floorspace of approximately 78m².
- The existing garage has a floorspace of approximately 58m².
- The proposed link would have a floor space of approximately 23m².

The site would then be sub-divided from the main Abbey Farm dwelling and garden with its own curtilage to create a separate dwelling.

THE SITE AND ITS LOCATION

The site forms part of the main dwelling known as Abbey Farm, a Grade II Listed Building within the Ashow Conservation Area and is located within the West Midlands Green Belt.

The proposal relates to the extension of an existing outbuilding to the side of the main dwelling currently used as an annex. This annex building is single storey and attached the neighbouring dwelling that forms part of the original conversion and is in separate ownership.

As a building which was present within the curtilage of a Listed Building at the time that Listing was originally confirmed, the annex outbuilding itself comprises part of that Listing.

To the rear of the annexe outbuilding is a large, open car port/garage building containing 3 bays and set back from the rear of the existing annex where it sits adjacent to the rear of the neighbouring attached property.

The garage building does not form part of the Listing as it was constructed after the date of the Listing of the property.

To the rear is the garden area serving Abbey Farm that rises from the level of the buildings.

The site of the garage is set below the level of the land to the side and rear and the garage is set within substantial retaining walls.

PLANNING HISTORY

W/17/0960 & W/17/0961/LB - Erection of a single storey extension to an existing annex to form a new dwellinghouse (Use Class C3) – Withdrawn 03.08.2017.

W/17/0212 - Proposed new dwelling in garden area of Abbey Farm – Withdrawn 29.03.2017

W/16/1046 - Erection of a detached dwellinghouse (Use Class C3) – Refused 26.07.2016.

W/08/0900 - Erection of a garage / workshop / store building - Granted 04.08.2008

RELEVANT POLICIES

- National Planning Policy Framework
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- DS18 - Green Belt (Warwick District Local Plan 2011-2029)
- H0 - Housing (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- H11 - Limited Village Infill Housing Development in the Green Belt (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR2 - Traffic generation (Warwick Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029)

- FW3 - Water Conservation (Warwick District Local Plan 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)

SUMMARY OF REPRESENTATIONS

Stoneleigh and Ashow Parish Council: No observations.

Ward Member Trevor Wright: Following a full of review of the documents and listening to the objections and counter objections raised at the Stoneleigh & Ashow Parish Council Meeting on Thursday 14/12/2017 who elected a neutral position I have considered the issues raised and my position is that on the condition that all of the pre-conditions and policies are complied with I am fully supportive of the planning application.

Ward Member Pam Redford: Planned extension infringes 30% rule. Also a question over visibility at the access.

WCC Highways: No objection subject to conditions.

WCC Ecology: No objection subject to conditions and notes.

WCC Archaeology: No objection subject to condition requiring Written Scheme of Investigation to be submitted.

Conservation Advisory Forum: The proposed alterations and extensions to the Listed Farmhouse and the later garage buildings are considered to be poorly designed, over large, and by more than doubling the domestic living area have a suburbanising effect upon the appearance of the curtilage listed buildings. The proposed alterations and extensions will have a harmful impact on the setting of the heritage assets and to the appearance of the Ashow Conservation Area.

Public Response: 12 Letters of objection and 5 letters of support received.

Grounds for Objection

- Contrary to Policy H11 of the Warwick Local Plan.
- In excess of the 30% increase for proposals within the Green Belt.
- No very special circumstances in Green Belt.
- New boundary and frontage parking would affect the setting of the Listed Building.
- Visibility Splays cannot be achieved.
- Harm to residential amenity of adjacent property.
- Design is inappropriate for the setting.

Grounds for Support

- Allows the applicants to remain in the village.
- No harm to the amenity of the local area.
- Applicants need ground floor living accommodation and to downsize.

1 letter of general support with no grounds cited.

ASSESSMENT

History/Background

Earlier planning applications have been submitted for new dwellings on land to the rear of the existing garage building, firstly a two storey dwelling that was refused on the grounds of the principle of development in the Green Belt and harm to the setting of the Listed Building. A later application for a single storey dwelling was withdrawn due to the impact on the openness of the Green Belt and the principle of development.

An application submitted in mid 2017 under reference W/17/0960 sought to provide an extension to an existing outbuilding currently used as an annex to create a self-contained dwelling. This application was subsequently withdrawn due to conflict with the Green Belt Policy.

Principle of Development

The National Planning Policy Framework (NPPF) states that the construction of new buildings is inappropriate development in the Green Belt unless it is development falling within one of the various categories listed as exceptions. One such category is limited infilling in villages.

The Local Plan indicates that the site is within the Village Infill boundary, as defined on the Local Plans Proposals Map (No.5). Policy H11 identifies that limiting infill should be restricted to two dwellings, infilling a small gap fronting the public highway between an otherwise largely uninterrupted built up frontage, which is visible as part of the streetscene and subject to the site not forming an important part of the integrity of the village.

There is no definition of 'limited infill' within the Framework, however assessing the site 'on the ground' the plot forms an existing building located between existing residential properties. The existing building benefits from a street frontage and whilst there are no changes to the frontage of the existing building, it does generally conform with the basic principle of infill, albeit, the site does not infill an existing gap between built form as it is an existing building. Overall, the development is generally considered to comprise a limited infill development.

It is considered that the dwellinghouse would not be an 'isolated home' within the countryside as it would relate to an existing settlement. Paragraph 55 of the NPPF notes that where there are groups of smaller settlements, development in one village may support services in a village nearby.

Whether the proposal constitutes appropriate development in the Green Belt

The scheme would result in the creation of an infill dwelling within the Green Belt which in principle terms, is considered as infill development. However, the assessment must nevertheless also consider whether the proposed extensions and alterations to facilitate the development proposed would in themselves be appropriate within the Green Belt.

As the site lies within the West Midlands Green Belt, the proposal must be assessed against Policy DS18 of the Local Plan. The policy states development must be in accordance with the National Planning Policy Framework (NPPF) Green Belt provisions. Paragraph 89 states that the extension of a building is acceptable where:-

“the extension or alteration of a building does not result in disproportionate additions over and above the size of the original building”

The proposed development would create an extension to the existing annexe building as a link to attach it to the existing detached garage building at the rear. Whilst the link element itself would equate to an approximate 30% floorspace increase, the overall resultant floorspace of the extended building, including that of the existing outbuilding which is to be connected to the annexe building to form the new dwelling would result in a 104% increase.

Whilst the garage building currently exists and its conversion therefore would not materially impact on the openness of the Green Belt, by way of the proposals it will nevertheless form part of a significant extension to the annexe outbuilding as described above giving the impression of a large single building (to be used as a dwelling) rather than as is currently the case, 2 separate and distinct outbuildings.

The judgement to be made here is therefore whether in the circumstances of this case, that combination of proposals are contrary to national Green Belt policy which identifies that disproportionate additions to buildings are inappropriate development in the Green Belt.

Having considered this matter carefully, Officers consider that, by reason of the material changes to the visual impression of the building(s) within the site which will be read as a reduction in the openness of the Green Belt overall, the balance tips against the proposal which is therefore considered to comprise inappropriate development within the Green Belt which diminishes openness; conflicts with the purpose of including land in the Green Belt by encroaching upon the countryside; and to which there is therefore an objection in principle.

Whether there are any very special circumstances which would outweigh the harm by reason of inappropriateness and any other harm identified

As indicated above, as the proposal does not fall within any of the categories of appropriate development within the Green Belt, it is considered to be

inappropriate development within the Green Belt by definition. In these cases, Paragraph 87 of the NPPF states that development should not be approved except in very special circumstances.

It is noted from letters of support and discussions with the applicant regarding the need for accommodation to be located at ground floor level and the limited ability to provide appropriate accommodation to suit the needs of the applicant within the existing building due to the Listed nature of the existing dwelling. Whilst these circumstances are understood, Officers do not consider them to be very special circumstances that outweigh the identified harm.

No very special circumstances have been submitted that are considered to outweigh the objection on Green Belt grounds.

Impact on character of the local area and Ashow Conservation Area

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

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

Warwick District Local Plan Policy HE1 (protection of Heritage Assets) states development will be expected to respect the setting of conservation areas and important views both in and out of them.

When viewed from the public highway to the frontage, it is noted that there would not be any discernible difference in the built form as the annex to the front of the site already exists and no changes to the frontage of this building are proposed. There will be oblique views of the proposed link element of the proposal but I do not consider that in general terms, this would result in harm to the visual amenity. The conversion of the existing garage building would not be visible from the public domain so the harm to the character of the area would be acceptable in general terms.

The impact on the Conservation Area is assessed beyond the elements that are visible from the public domain and the intrinsic character of buildings that contribute to the Conservation Area setting must be assessed in their own right irrespective of the visual prominence of the works.

With regards to the Conservation Area impact, the proposed works are limited and the extension appears as a subservient link between the existing buildings and does not dominate or overpower the existing elements. On this basis, the proposal is considered to preserve the character of the Conservation Area in this location.

One element that has the potential to create harm to the character and amenity of the Conservation Area is the sub-division of the plots to create the separate garden areas. As the site contains a Listed Building, there are no permitted development rights for means of enclosure. Any boundary treatment could be controlled by condition in the first instance and any future replacement would require planning permission. On this basis, I do not consider that the sub-division of the plot would result in demonstrable harm to the character of the local area or Ashow Conservation Area.

Impact on the character and setting of the Listed Building

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

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

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

In making the assessment, it is noted that the existing outbuilding/annex is considered to be a Curtilage Listed Building whereas the existing garage building is not.

It is considered that the proposed extension; the linking of 2 outbuildings to form a single dwelling along with the proposed installation of windows, doors, rooflights, and rainwater goods etc would result in an extensive single building and reflect an increasingly domestic style which represents an increasing diversion from the Listed outbuilding's original more simple appearance and character which would materially impact upon its character and appearance to an unacceptable degree. By virtue of the relationship of that altered and extended building to Abbey Farm House which is the primary Listed Building within the site, and which is located to the east at a distance of some 8 metres, it is considered that the proposals would also unacceptably impact upon the setting of that Listed Building.

The proposals are therefore considered to result in less than substantial harm to the character and setting of the Listed Buildings within the site which is to be weighed against any public benefits of the proposal, including securing its optimum viable use.

In this case, it is considered that the harm to the Curtilage Listed outbuilding and the setting of the Grade II Listed Farmhouse outweigh any public benefits which would arise from the proposals.

Impact on adjacent properties

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

The predominant built form of the development already exists on the site in the form of the existing outbuilding and the garage to the rear. The new element of built form in this case is the proposed link between buildings.

There are no windows proposed that would directly face neighbouring properties and due to the land levels, there would not be any resultant overshadowing or overbearing impact as a result of the development.

When assessing the proposal against the impact on the existing property at Abbey Farm, it is noted that there are side facing windows on both properties that would share a facing relationship. However, this is not an uncommon relationship between properties and I am satisfied that the development would not result in an unacceptable relationship between the properties.

Highway Safety

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

According to the proposed drawings, the existing vehicular access into the site shall be widened to 5m in width, to enable two vehicles to pass each other. The drawing also illustrates that visibility splays at the access will be improved, so that a distance of 25m shall be provided when measured 2.4m back from the edge of the carriageway.

The original response of the Highway Authority was one of objection due the proposed splays being insufficient for the speed of the road (60mph).

A speed survey submitted by the applicants was provided to demonstrate vehicle approach speeds along the highway to the site which it identifies as being 20mph in an Easterly direction and 22mph in a Westerly direction.

In considering the scheme, the County Highways Officer has also noted that the Ashow Road that was subject to the National Speed Limit (60mph) has now been reduced to 30mph as a result of a variation to the Traffic Regulation Order (TRO).

Due to the results of the speed survey together with the amendment to the TRO, the County Highways Officer is now satisfied that the detailed visibility splays of 25 metres are acceptable in this location and therefore raises no objection to the proposals.

Impact on Ecology/Protected Species

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

The County Ecologist has assessed the information submitted with the proposal and raised no objection subject to the imposition of appropriate conditions and notes. I am therefore satisfied that the development would not have a detrimental impact on protected species.

Other Matters

Trees/Hedgerows

The location of the development is land laid to hardstanding and as such, the development would not have a detrimental impact on any trees or hedgerows within or on the boundary of the application site.

Archaeology

The County Archaeologist notes that the proposed development site is located within the probable extent of medieval settlement of Ashow (Warwickshire Historic Environment Record WA9486) and is located to the rear of the Grade II listed Abbey Farmhouse and Abbey House, a red brick house now divided into two dwellings probably dating to the 18th century. There is a potential for the proposed development to disturb archaeological deposits, including structural remains as well as other archaeological deposits such as pits, associated with medieval period and later occupation of this area.

The Archaeologist has raised no objection, subject to condition to secure archaeological work.

Conclusion

As set out above, it is considered that the proposal is unacceptable because it comprises inappropriate development in the Green Belt to which there is an objection in principle as no very special circumstances exist. The proposal also results in less than substantial harm to the character and setting of the Grade II Listed Building and the Curtilage Listed outbuilding which is not outweighed by any public benefits.

REFUSAL REASONS

- 1 The site lies within the West Midlands Green Belt. Paragraph 89 states that the extension of a building is not inappropriate development where the increase does not result in disproportionate additions over and above the size of the original building. The proposal seeks the extension of an existing outbuilding which connects to an existing

garage building. The floorspace of the proposed development would result in an increase well in excess of what is considered to be a proportionate addition to a building within the Green Belt. Due to scale of the increase, the proposal is considered to result in a disproportionate addition to a building within the Green Belt and is therefore contrary to Paragraph 89 of the NPPF. There are no very special circumstances that would outweigh the harm to the openness of the Green Belt.

- 2 The works proposed will have negative impact on the character and setting of the Listed buildings within the site and are considered to result in less than substantial harm to those buildings. No public benefits sufficient to outweigh the identified harm have been demonstrated and therefore the proposal is contrary to Policy HE1 of the Warwick District Local Plan 2011-2029, guidance within the NPPF and Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990.

Application No: [W 17 / 2146 LB](#)

Town/Parish Council: Ashow
Case Officer: Dan Charles

Registration Date: 14/11/17
Expiry Date: 09/01/18

01926 456527 dan.charles@warwickdc.gov.uk

Abbey Farm, Ashow Road, Ashow, Kenilworth, CV8 2LE

Conversion and extension of the existing garage/outbuilding and linking to the existing annexe building to create a new separate dwelling. FOR Mr & Mrs Burdett

This application has been requested to be presented to Committee by Councillor Wright and 5 letters of support have been received.

RECOMMENDATION

That Listed Building Consent is **REFUSED** for the reasons set out at the end of this report.

DETAILS OF THE DEVELOPMENT

The proposed development is to create a separate dwelling by providing a link from an existing Listed outbuilding to connect it to an existing garage building which will be converted to accommodation.

The alterations to the Curtilage Listed Outbuilding itself comprise the provision of the link, a new external window to the rear to serve a bedroom and the addition of internal partitions to create a hallway and an en-suite bathroom.

The garage building would have the frontage infilled to create additional living accommodation. The external materials proposed would be timber cladding and plain clay tiles to match the existing building.

The site would then be sub-divided from the main Abbey Farm dwelling and garden with its own curtilage.

THE SITE AND ITS LOCATION

The site forms part of the main dwelling known as Abbey Farm, a Grade II Listed Building within the Ashow Conservation Area and located within the West Midlands Green Belt.

The proposal relates to the extension of an existing Listed outbuilding to the side of the main dwelling currently used as an annex. This annex building is single

storey and attached the neighbouring dwelling that forms part of the original conversion and is in separate ownership.

To the rear of the annexe outbuilding is a large, open car port/garage building containing 3 bays and set back from the rear of the existing annex where it sits adjacent to the rear of the neighbouring attached property.

The garage building is not a Curtilage Listed Building as it was constructed after the date of the Listing of the property.

To the rear is the garden area serving Abbey Farm that rises from the level of the buildings.

The site of the garage is set below the level of the land to the side and rear and the garage is set within substantial retaining walls.

PLANNING HISTORY

W/17/0960 & W/17/0961/LB - Erection of a single storey extension to an existing annex to form a new dwellinghouse (Use Class C3) – Withdrawn 03.08.2017.

RELEVANT POLICIES

- National Planning Policy Framework
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)

SUMMARY OF REPRESENTATIONS

Stoneleigh and Ashow Parish Council: No observations.

Ward Member Trevor Wright: Support the scheme as there are no reasons to object.

Conservation Advisory Forum: The proposed alterations and extensions to the Listed Farmhouse and the later garage buildings are considered to be poorly designed, over large, and by more than doubling the domestic living area have a suburbanising effect upon the appearance of the curtilage listed buildings. The proposed alterations and extensions will have a harmful impact on the setting of the heritage assets and to the appearance of the Ashow Conservation Area.

Public Response: 11 Letters of objection and 2 letters of support received. Matters raised relate specifically to the associated planning application and no specific Listed Building Consent matters were raised.

ASSESSMENT

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

- the principle of development

- the impact on heritage assets

The Principle of the Development

Policy HE1 of the Local Plan expects development proposals to have appropriate regard to the significance of designated heritage assets. Where development would lead to substantial harm or the total loss of such a designated heritage asset, the policy sets out the requirements that will need to be satisfied to demonstrate that such harm is necessary to achieve substantial public benefits that outweigh the harm or loss. Where development would lead to less than substantial harm, such harm will be weighed against the public benefits of the proposal.

The impact on heritage assets

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

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

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

In making the assessment, it is noted that the existing outbuilding/annex is considered to be a Curtilage Listed Building whereas the existing garage building is not.

It is considered that the proposed extension; the linking of 2 outbuildings to form a single dwelling along with the proposed installation of windows, doors, rooflights, and rainwater goods etc would result in an extensive single building and reflect an increasingly domestic style which represents an increasing diversion from the Listed outbuilding's original more simple appearance and character which would materially impact upon its character and appearance to an unacceptable degree. By virtue of the relationship of that altered and extended building to Abbey Farm House which is the primary Listed Building within the site, and which is located to the east at a distance of some 8 metres, it is considered that the proposals would also unacceptably impact upon the setting of that Listed Building.

The proposals are therefore considered to result in less than substantial harm to the character and setting of the Listed Buildings within the site which is to be weighed against any public benefits of the proposal, including securing its optimum viable use.

In this case, it is considered that the harm to the Curtilage Listed outbuilding and the setting of the Grade II Listed Farmhouse outweigh any public benefits which would arise from the proposals.

SUMMARY/CONCLUSION

For the above reasons, the proposed development is considered harmful to the setting of the Grade II Listed Building and the Curtilage Listed Building at the site and therefore, the principle of the proposed works is considered to be contrary to the provisions of Policy HE1 of the Local Plan together with National Guidance contained within the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990

It is therefore recommended that Listed Building Consent is refused.

REFUSAL REASONS

- 1 The works proposed will have negative impact on the character and setting of the Listed building and are considered to result in less than substantial harm to the building. No public benefits outweigh the identified harm and therefore the proposal is therefore contrary to Policy HE1 of the Warwick District Local Plan 2011-2029, guidance within the NPPF and Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990.

Planning Committee: 27 February 2018

Item Number: **9**

Application No: [W 17 / 2209](#)

Town/Parish Council: Barford

Case Officer: Dan Charles

01926 456527 dan.charles@warwickdc.gov.uk

Registration Date: 18/12/17

Expiry Date: 12/02/18

Land at, Westham Lane, Barford

Revised access and parking layout to serve a residential development of 9 properties (previously approved under application reference W/16/0441) FOR Waterloo Housing Group

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

RECOMMENDATION

That planning permission is GRANTED subject to the conditions listed at the end of this report.

DETAILS OF THE DEVELOPMENT

The proposal seeks to provide a relocated and reconfigured access to serve a development of 9 residential properties for which planning permission has been granted. The revised proposal will require the removal of a section of hedge to facilitate the revised access point which is proposed in order to provide improved access and manoeuvring space for vehicles to enter and exit the site in a forward gear.

The previously approved access is proposed to be retained and provided with bollards to create a pedestrian/cycle only access point.

The development of the site is currently under construction.

THE SITE AND ITS LOCATION

The application site relates to a rectangular shaped parcel of land located to the southern side of Westham Lane just outside, but adjacent to, the village boundary and Conservation Area of Barford.

The site is currently being developed for a total of 9 affordable dwellings.

The site is located within open countryside and is relatively flat. A mature hedgerow forms a boundary to the western edge and northern edge of the field adjoining Westham Lane and a residential property is located to the east. A new

housing development is located on the opposite side of Westham Lane to the north.

PLANNING HISTORY

W/17/1619 – Variation of Condition 2 (Approved Plans) of planning permission reference W/16/0441 to amend the access arrangements for the site –
WITHDRAWN 27 October 2017

W/16/0441 - 4 no. blocks of semi-detached and terraced houses forming 9 no. residential plots of 3 bedroom houses with associated gardens and parking –
GRANTED 20 July 2016.

RELEVANT POLICIES

- National Planning Policy Framework
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR2 - Traffic generation (Warwick Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- Barford Village Design Statement (September 2009)

SUMMARY OF REPRESENTATIONS

Barford Sherbourne & Wasperton JPC - No objection

WCC Ecology - Agree with locations of english oak trees to retain functionality of hedgerow.

WCC Highways - No objection subject to conditions.

Public Response - a total of 10 letters of objection received on the following grounds;

- Development is sub-standard for village with no design flair or thought for quality and place.
- Destruction of rural character.
- Land is of indeterminate ownership creating a safety hazard and future maintenance issues.
- Damage being caused to lane as a result of the development.

- Lane not suitable for development and has only been used by local people for recreational purposes.
- Parking layout is not in keeping with local character.
- Issues with legal responsibility for future maintenance of access and visibility splays.
- Should be considered as part of a full application for whole development.
- Cannot adequately access the site with fire service vehicles which is contrary to Building Regulations.
- Appeal decision referring to third part land ownership clearly demonstrates that conditions relating to visibility splays on third part land is unreasonable and unenforceable so would not meet the tests of conditions.
- Applicants do not own the hedge.
- Cars cannot pass within the proposed access.

ASSESSMENT

History/Background

Planning permission was granted under application reference W/16/0441 for the erection of 9 dwellings on 20 July 2016. At the time of writing, the construction of these dwellings is substantially complete. The position of the access as approved has raised some difficulties regarding access for larger vehicles to be able to enter and exit in a forward gear. In light of this situation, the current proposal seeks to amend the position of the access to the site to improve the access and egress from the site for larger vehicles.

Principle of Development

The principle of development for the scheme was established under planning application reference W/16/0441. All required pre-commencement conditions were discharged and the works implemented in pursuance of that permission. Officers are satisfied that the principle of development in this case has therefore been established for the construction of new dwellings.

This proposal is for the alteration to the site access. Policy TR1 of the Warwick Local Plan states that development will only be permitted that provides safe, suitable and attractive access routes for pedestrians, cyclists, public transport users, emergence vehicles, delivery vehicles, refuse vehicles and other users of motor vehicles.

Subject to the above criteria being met and an assessment of all other site specific criteria, Officers are satisfied that the principle of development is acceptable.

Impact on visual amenity and the character of surrounding area

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

The development was approved with the access located within the north eastern corner of the site. The revised access point is to be moved further along the lane and will result in the loss of a section of hedgerow. The applicants have provided mitigation in the form of replacement planting to offset the visual harm of the hedgerow loss. These planting works are to be secured by condition.

The revised access to the current application site would result in an element of urbanisation insofar as it replaces a rural hedgerow with an engineered access point. However, with the adjacent access to an existing development site located to the north, it would not appear as an alien feature within the landscape. Officers are satisfied that the access would be read in conjunction with the residential development and would be part and parcel of those works so would not result in any detrimental visual harm to the character of the local area or wider landscape.

Impact on adjacent properties

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

The proposal would move the vehicular access away from the nearest residential property to the east of the site. This would be retained for pedestrian access only. In this respect, Officers are satisfied that the proposal would increase the distance between the adjacent dwelling and manoeuvring traffic which would lead to an improvement in terms of neighbouring amenity.

Highway Safety

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

The revised access location has been considered by the County Highways Officer.

The proposed vehicular access will now be located on the section of Westham Lane that is private and not maintainable at the public highway expense. The submitted plans demonstrate that an emergency vehicle (fire pumping appliance) can turn within the application site, and re-enter the public highway using a forward gear.

As the proposed vehicular access is not located within the limits of the public highway, the construction works will not be technically approved by the Highway Authority. On this basis, the Highway Authority recommended that a Road Safety Audit be carried out, to ensure that the detailed design of the proposed access is acceptable.

In response to this request, a Road Safety Audit was carried out by an independent transport consultant. The assessment raised no issues with the proposal and the assessor is satisfied that the scheme would not be harmful to highway safety. The County Highways Officer has considered the report and is satisfied with its findings.

Officers are therefore satisfied that the proposed access is acceptable having regard to Highway Safety and visibility.

A bin store shall be located in the north-east corner of the application site, so that waste can be collected from the roadside and the refuse vehicle will not have to enter the application site.

The parking layout has been amended to reflect the revised access point but the overall layout retains the linear row of frontage parking as previously approved. There is no change to the level of car parking provided within the site.

The proposal would result in the provision of a separate pedestrian access to the site, utilising the previously approved access which would be provided with bollards to prevent vehicles entering or exiting in this location. This would benefit the future site occupiers as it would reduce the potential for vehicular/pedestrian conflict as a result of a single shared access for users.

Impact on Ecology/Protected Species

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

Ecological enhancements of the site were secured through the grant of planning permission under reference W/16/0441.

Whilst the proposal results in the loss of a section of hedgerow to facilitate the revised access, sections of the hedgerow will be replaced elsewhere to minimise the overall loss of hedgerow as a result of the scheme. The replacement hedge works are to be secured by condition.

The County Ecologist has assessed the current scheme and is satisfied with the proposed planting of English oak trees to retain the functionality of the retained hedgerow. The planting of these trees are to be secured by condition.

Other Matters

A third party representation makes reference to the fact that the hedgerow is not within the applicants control and therefore, the maintenance of the visibility splays cannot be achieved in perpetuity. An appeal decision making reference to a dismissed appeal on these grounds has been provided.

Officers have sought legal input into this element and in the case of this application, the applicants have included the land within the site edged red and have signed Certificate C to demonstrate that the owners of the land are unknown as well as notice being served on parties that they know have an interest in the land. As part of this process, a press notice has been completed to attempt to locate the owners of the land. No representations have been received as part of this process that identifies the owners of the land.

In terms of the appeal decision, the site in that respect was proposing an access onto an 'A' Class Road where traffic levels were significant. The ownership in this case was known to be a third party but no mechanism was in place to secure the agreement and the highway authority had objected on this basis.

With regards to Westham Lane, this is a small, rural lane where traffic levels are minimal. The applicants have carried out all reasonable endeavours to locate the owner of the land but have not been successful. In this respect, Officers are satisfied condition 4 meets the relevant tests and the relevant notices have been served in order to allow future maintenance of the visibility splay.

Conclusion

The proposal represents an improvement to the point of access serving this approved development and would not result in visual harm to the local area, harm to the amenity of neighbours, harm to features of ecological value.

- 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) 9378.02i and DWG-09, and specification contained therein, submitted on 22 November 2017. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 The development shall not be occupied until the new access and site layout including the provision of bollards to the existing access point have been constructed and laid out in general accordance with drawing no. DWG-09. **REASON:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 4 The development shall not be occupied until visibility splays have been provided to the vehicular access to the site with an 'x' distance of 2.4 metres and 'y' distances of 43 metres to the right (east) of the vehicular access and 25 metres to the left (west) of the vehicular access, measured to the near side of the carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays

exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the carriageway. **REASON:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

- 5 The additional planting as shown on plan reference 9378.02 shall be carried out in accordance with the approved details within the first planting season following the substantial completion of the development. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.
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Planning Committee: 27 February 2018

Item Number: **10**

Application No: [W 17 / 2275](#)

Town/Parish Council: Warwick

Case Officer: Dan Charles

01926 456527 dan.charles@warwickdc.gov.uk

Registration Date: 30/11/17

Expiry Date: 01/03/18

Land to the south of Gallows Hill, Warwick

Development of up to 250 dwellings, public open space, landscaping, access to Gallows Hill, sustainable urban drainage systems, footpaths/cycle ways, and associated infrastructure. All matters to be reserved except access into the site.

FOR William Davis Limited & Hallam Land Management Limited

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

RECOMMENDATION

Planning Committee are recommended to GRANT outline planning permission, subject to the conditions listed at the end of this report and a Section 106 Agreement to secure the necessary financial contributions/obligations as detailed within the report.

Should a satisfactory Section 106 Agreement not have been completed by 27 March 2018, Planning Committee are recommended to delegate authority to the Head of Development Services to REFUSE planning permission on the grounds that the proposal makes inadequate provision in respect of the issues the subject of that agreement.

DETAILS OF THE DEVELOPMENT

The application is a resubmission following the refusal of outline planning permission for up to 260 dwellings. Planning permission was refused because of i. the failure to demonstrate that the proposals can be satisfactorily integrated into the surrounding historic landscape without causing harm to the setting of adjacent heritage assets and ii. the increased levels of airborne pollution that would result.

The key revisions that have been made from the scheme as originally proposed are:-

- The proposal has reduced the number of residential properties by 10 and now comprises an outline application for up to 250 dwellings with all matters reserved other than access.

- Additional information and Cross Sections have been submitted to demonstrate the relationship of the proposals to adjacent Heritage Assets particularly Castle Park and the Warwick Conservation Area.

The applicants are also currently preparing further supporting information to demonstrate the way in which they will address any risk of increased airborne pollution arising from the proposals. That further information will be reported to members in the update report.

THE SITE AND ITS LOCATION

The site is a roughly triangular parcel of land that is flanked on two sides by public highway – Gallows Hill and Banbury Road. The third side is an open, undelineated boundary that abuts the site owned by Gallagher's which has an existing, extant permission for residential development.

The site is open agricultural land with only a single tree punctuating the open land within the site. The boundaries of the site are set to a combination of mature trees and hedges that have been supplemented with a dense buffer of young trees species.

The highest point of the land is where the site joins the development site to the East. The land has a plateau in this area then the land falls away quite significantly to the West towards Warwick and offers views of Warwick Castle.

To the north of the site is the Warwick Technology Park that is served from Gallows Hill.

To the east of the site is the adjacent development site as detailed above which is currently a continuation of the open field on the existing plateau.

To the south of the site is the Banbury Road and beyond this, the Castle Fields site which is a Registered Park and Garden and also forms the boundary of the Warwick Conservation Area.

PLANNING HISTORY

W/17/0699 - Development of up to 260 dwellings, public open space, landscaping, access to Gallows Hill, sustainable urban drainage systems, footpaths/cycle ways, and associated infrastructure. All matters to be reserved except access into the site – Refused 12.10.2017.

W/13/1434 - Outline planning application for the erection of up to 250 dwellings together with associated infrastructure, landscaping and open space (all matters reserved except access) – Withdrawn 05.12.2013.

RELEVANT POLICIES

- National Planning Policy Framework

- DS1 - Supporting Prosperity (Warwick District Local Plan 2011-2029)
- DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029)
- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029)
- DS4 - Spatial Strategy (Warwick District Local Plan 2011-2029)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- DS6 - Level of Housing Growth (Warwick District Local Plan 2011-2029)
- DS7 - Meeting the Housing Requirement (Warwick District Local Plan 2011-2029)
- DS10 - Broad Location of Allocated Sites for Housing (Warwick District Local Plan 2011-2029)
- DS11 - Allocated Housing Sites (Warwick District Local Plan 2011-2029)
- DS15 - Comprehensive Development of Strategic Sites (Warwick District Local Plan 2011-2029)
- H0 - Housing (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- H2 - Affordable Housing (Warwick District Local Plan 2011-2029)
- H4 - Securing a Mix of Housing (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE2 - Developing Strategic Housing Sites (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029)
- TR2 - Traffic Generation (Warwick District Local Plan 2011-2029)
- TR3 - Transport Improvements (Warwick District Local Plan 2011-2029)
- TR4 - Parking (Warwick District Local Plan 2011-2029)
- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- HS6 - Creating Healthy Communities (Warwick District Local Plan 2011-2029)
- HS7 - Crime Prevention (Warwick District Local Plan 2011-2029)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029)
- CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)
- FW3 - Water Conservation (Warwick District Local Plan 2011-2029)
- FW4 - Water Supply (Warwick District Local Plan 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- HE4 - Protecting Historic Parks and Gardens (Warwick District Local Plan 2011-2029)
- HE6 - Archaeology (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)

- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- W1 - Waste Core Strategy (Warwick District Local Plan 2011-2029)
- DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029)
- Warwickshire Landscape Guidelines SPG
- Garden Towns, Villages and Suburbs - A prospectus for Warwick District Council (Consultation document - May 2012)
- Development Management Policy Guidance: Achieving a Mix of Market Housing on new Development Sites (Agreed by Executive - 19th June 2013)
- Draft Village Housing Options and Settlement Boundaries (November 2013)

SUMMARY OF REPRESENTATIONS

Warwick Town Council - Object - Comments made in respect of the previous application: W/17/0699 still apply specifically in respect of the over development of the site; the effects on air pollution; traffic congestion; lack of infrastructure and concerns regarding flooding; health and education provision. The town council notes that the scheme contravenes Local Plan policy DS4.

Bishops Tachbrook Parish Council - OBJECTS to this application because it is not in accordance with the Local plan (2011-2029) in respect of policies DS11, DS4, DS4(e), SC0(k), HE1, DS4(f), PC0 for the following reasons;

- Missing the opportunity to provide a much needed recreational open space for the 4,904 new dwellings south of the towns of Warwick and Leamington by connecting the new Country Park to the historic Castle Park.
- Previous application was refused by Planning Committee in October 2017 because it exceeded the local plan housing allocation for this site by 80 dwellings and similarly, this application should also be refused as it still exceeds the housing allocation for this site by 70 dwellings.
- The District Council has demonstrated that it has a 6.62 year housing land supply and therefore the presumption in favour is not engaged.
- This application is for 250 dwellings which is 70 more than allocated on this site in the adopted Local Plan and consequently the application does not comply with the development plan and should be refused.
- Policy DS7, will deliver all the housing needed during the plan period. Therefore the provision of sites for housing has been met and is not a material consideration. This application would thus lead to unnecessary additional housing being granted at this location.
- Policy DS4 - spatial strategy – sub paragraph e) states that sites that have a detrimental impact on the significance of heritage assets will be avoided unless the public benefits of development outweigh the harm.
- Development has a material impact on the heritage asset of Castle Park, a listed Grade 1 Historic Parks & Gardens of international importance. It is related to the Listed Grade 1 Warwick Castle and these historic assets are also within the Warwick Conservation Area.

- As submitted for 250 dwellings, the development will encroach close to the Banbury Road and be clearly visible from the road, particularly in the winter. This will cause significant harm to the setting of the heritage asset.
- If the Development Plan housing allocation of 180 dwellings for this site is maintained then the development can be located further to the east. This will leave a significant space between the development and the Banbury Road, mitigating the harm that would otherwise be caused.
- For similar reasons to that for heritage assets, given that the scenic quality of the southern approach to Warwick is of very high sensitivity to local people and that no further public benefit is seen to be forthcoming from the additional 70 dwellings over the housing allocation in the development plan for this site, the Parish Council strongly suggests that development of this site should be limited to 180 dwellings and the application should be refused.
- Policy PC0 Prosperous Communities states - The Council will promote sustainable economic development to support a vibrant and thriving economy, inter alia,(g) to protect and support a strong tourism sector, especially seeking to enhance our town centres as attractive places to visit. This policy applies particularly to Warwick, as the Castle and its southern approach road is a significant part of the attraction of the town to the high level of visitors that support the local economy. The application, as submitted for the larger number of houses than the local plan allocates, means that the development is closer to the Banbury Road and will reduce the valued impact of the existing road into the town.

Historic England - Consider that the proposals would not enhance the significance of adjacent Heritage Assets and that further information is required to enable the consideration of the effects of the proposals. Further detailed information has subsequently been provided which is under consideration by Historic England, the outcome of which will be reported to members at your meeting.

Warwickshire Police - Recommend contribution of £64,272 towards increased policing requirements.

WCC Ecology - Require Biodiversity Offsetting to be secured by S106 Agreement. Otherwise comments remain as per W/17/0699.

WCC Education - Contributions required towards education improvements. (Details to be provided in the update sheet).

WCC Fire and Rescue - Recommend fire hydrant condition.

WCC Rights of Way - No objection subject to contribution of £3,501 towards Public Rights of Way improvements.

WCC Highways - No objection to the proposal including in respect of the overall number of dwellings subject to conditions and contributions towards highway and sustainable transport improvements.

WCC Landscape - Raises concerns about the effect of the proposals on historic views and the setting of the Grade I Listed Park. Requests further information including cross sections to demonstrate relationships in the surrounding area. Further cross sections have been provided by the applicant and are considered in this report as part of the assessment of the revised proposal.

WCC Archaeology - Recommend Written Scheme of Investigation Condition.

South Warwickshire Foundation Trust - Request contribution of £287,712.83 for NHS Improvements.

WDC Environmental Protection - No objection subject to the submission and implementation of an appropriate Low Emission Strategy. Recommend contaminated land and noise assessment conditions.

Public Response: A total of 23 letters of objection received on the following grounds;

- Additional 70 dwellings beyond the Inspectors assessment in Local Plan. Scheme should be a maximum of 180.
- Site currently forms an important green buffer and should be retained.
- Schemes that harm the setting of Heritage Assets should be refused.
- Current scheme fails DS4 as it does not comply with community aspirations.
- Applicants are wrongly dismissive of objections raised.
- Harm through the cumulative impact of air pollution as a result of new developments.
- Air Quality standards are already being breached in Warwick.
- Harm to highway safety as a result of additional traffic in an already highly congested area.

ASSESSMENT

The material factor in assessing this application is whether, by way of the additional information and clarification provided, including the revisions to the scheme, it has been demonstrated that the proposals overcome the reasons for refusal of the earlier application, i.e. whether the applicant has demonstrated that the proposals will satisfactorily assimilate into the wider historic landscape and come forward in a manner which is not detrimental in respect of airborne pollution.

In addition to a summary of the background to the allocation of the site including its consideration by the Local Plan Inspector and the recent planning history, the remainder of this report will therefore predominantly focus on the consideration of those matters. Whilst the revised proposals have been fully assessed and are also subject to a range of other considerations, these have already been fully considered and did not form part of the reason for refusal of the earlier application. They are not therefore addressed in any great detail as part of this report.

History/Background

An outline planning application for up to 250 dwellings was submitted under reference W/13/1434 on 9 October 2013 as a result of the proposed allocation of the site for residential development as a preferred option of the draft Local Plan. Following detailed discussions, the application was withdrawn due to concerns raised by Historic England as to the potential effect of the proposed development on the setting of Warwick Castle Park and Warwick Conservation Area.

Notwithstanding the above, the site was included as a preferred option in the draft Local Plan and now forms part of allocation H46a within the adopted Local Plan.

Following the advancement of the Local Plan process, an outline planning application for up to 260 dwellings was submitted on 18 April 2017 under reference W/17/0699. This application was referred to Planning Committee on 10 October 2017 with a recommendation to grant planning permission but was subsequently refused for the following reasons:-

- *"Policy HE1 of the Warwick District Local Plan states that development that would lead to substantial harm to the significance of Heritage Assets will not be supported unless it can be demonstrated that there are substantial public benefits that outweigh the harm and in cases where the harm is less than substantial, it must be weighed against the public benefits of the proposal. Policy HE2 seeks to protect the character of Conservation Areas and Historic Parks and Gardens within the District by protecting them from development that would harm their character.*

The application site forms part of an overall site allocation of 630 dwellings identified within the Local Plan as Allocation H46A.

The cumulative maximum number of dwellings arising from the proposals the subject of this application when taken with that already permitted by way of an existing extant planning permission for up to 450 dwellings on the other part of Allocation H46A, would be 710 dwellings thereby exceeding the identified allocation by up to 80 dwellings.

In the opinion of the Local Planning Authority, the additional resulting dwellings and intensity of development would cause less than substantial harm to the setting of both the adjacent Castle Park, a Registered Grade 1 Park and Garden and the adjacent Warwick Conservation Area by virtue of the failure of the proposals to adequately demonstrate that i. they can be satisfactorily integrated into the surrounding historic landscape in an acceptable manner without detriment to the significance of those heritage assets or, ii. that any such harm is capable of being appropriately mitigated.

There has been no public benefit demonstrated that is sufficient to outweigh the detrimental impact and additional harm arising from the additional dwellings proposed and therefore the development is considered

to be contrary to the National Planning Policy Framework and the aforementioned Local Plan policies."

1. *"The increased number of vehicle journeys arising from the additional dwellings would result in further airborne pollution within an area that is already subject to high levels of such pollution and the proposal would therefore also be contrary to Paragraphs 93 & 94 of the National Planning Policy Framework and Local Plan Policy NE5 relating to the reduction of emissions and greenhouse gasses."*

The application the subject of this report is made in outline for up to 250 dwellings and seeks to overcome those reasons for refusal.

Principle of development

Local Plan

The application site is identified within the Local Plan as a site for new housing development as part of the wider strategic urban extension to the south of Warwick and Leamington. The land forms part of the H46A allocation which is covered by two different land owners. The area of land immediately to the east of the site forms part of the allocation and has an existing and extant permission for up to 450 dwellings.

The current Local Plan has the most up to date evidence base for the allocation of new housing land and this site forms part of the strategic expansion of Warwick and Leamington as defined within Policy H1.

Policy DS11 sets out the allocations for housing development and provides an estimate of the number of dwellings for each of the allocated sites. That estimate for the H46A allocation within the Local Plan is for the provision of up to 630 dwellings. Taking into account the existing outline permission for up to 450 dwellings on the adjacent site, this scheme would result in the provision of up to 700 dwellings for the allocation which is 70 more than previously proposed.

The explanatory text to DS11 states that the sites were assessed against a number of criteria and an estimated figure for the number of dwellings for each site is identified. That explanatory text also sets out that at the detailed planning application stage that figure may vary.

The Local Plan Inspectors Report following the Examination in Public made reference to the housing numbers on this site. At paragraph 164 of his report, with regard to this site, the Inspector acknowledges the *"need to take account of its sensitive location next to Castle Park and a Conservation Area through layout, design and landscaping"*. He recognises the Council's estimate as being *"reasonable"* but also suggests that *"a suitable detailed scheme could come forward with more dwellings."* This is consistent with Policy DS11 which formally allocates this site but which recognises the housing numbers for each site are an estimate.

At paragraph 462, the Inspector acknowledges that the "the Council has taken a cautious approach in terms of estimated capacity of proposed site allocations. Whilst this is reasonable and justified, it may be that in some cases suitable detailed proposals come forward for a greater number of dwellings".

This point is made in the context of paragraphs 458 and 459 of the report where he sets out his intention not to allocate certain sites that had been proposed by the Council that could have accommodated approximately 740 dwellings and justifies this by the extent of flexibility of some 363 dwellings in the housing supply for the plan period which he describes as "limited".

When considering the additional numbers above the allocation, Officers note that Strategic Policies DS2 and DS3 of the Warwick District Local Plan seek to support the provision of homes that are required within the District as identified within the Objectively Assessed Housing Need. These policies also require development schemes to provide an appropriate level of affordable housing and a mix of new homes of all tenures.

The above policies are based upon the Government objective of significantly boosting housing supply. Furthermore, Policy DS6 identifies a minimum of 16,776 new dwellings during the local plan period of 2011 to 2029. Current rates of new development require the provision of 1,098 dwellings per year for the remaining Local Plan period until 2029.

Policy DS7 sets out the methodology for the provision of new housing over the plan period. The figures set out that the plan period has a significant number of site completions, extant permissions, existing commitments and new dwellings proposed through the sites that are allocated within the plan.

In addition to the identified sites, an additional 1010 dwellings have been earmarked within the Local Plan housing figures that would potentially come forward through windfall sites.

In essence, the additional housing proposed on this site could be considered as a windfall insofar as they would be additional dwellings not identified within the allocation but capable of being satisfactorily assimilated onto the site which is located within a sustainable area.

The potential opportunities for seeking that level of windfall provision across the District on smaller sites is considered to be limited and would in all likelihood result in small, sporadic developments, a significant number of which may relate to sites of 10 or less units. Unlike the current proposals, in such circumstances, there would be no requirement for the provision of 40% of the units to be affordable housing. Therefore in circumstances such as that presented by the current application, there is an opportunity to provide an increased number of dwellings whilst also ensuring the provision of affordable housing at an appropriate level.

The scheme identified on the indicative Masterplan submitted as part of this proposal demonstrates that the site can accommodate the additional dwellings

over the allocation in a wholly acceptable manner without representing the overdevelopment of the site. The site as indicated shows very large area of open space around the dwellings in excess of the required standards for open space. The site also has substantial buffer zones between the built form and the site boundaries. The upper and lower sections of the site are also separated by an additional area of green space that further 'breaks up' the proposed built form on the site. The overall result of this green space provision is that the overall density of dwellings on the site would be relatively low at approximately 17.5 dwellings per hectare.

The site is located in a sustainable area and the additional 70 dwellings would result in the provision of dwellings in a manner which would be in accordance with the overall Local Plan housing strategy, in part as a result of the low density nature of the scheme and the benefits the additional units would provide in terms of additional affordable homes for the District when compared against smaller, individual development of sites where no affordable housing would come forward. This is considered to be of significant benefit for the scheme.

Officers are satisfied that the principle of the proposed development is therefore in accordance with the Local Plan.

Impact on character of surrounding area

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

The sloping nature of the land creates a natural plateau on the eastern side of the site that falls away towards the west quite significantly. The change in levels has been assessed within the application package and the indicative masterplan submitted demonstrates how the two areas of the site will be integrated into the landscape. A planting belt is proposed across the upper section of the site on the plateau to mitigate the impact of the dwellings concentrated in this area. Large swathes of open land are proposed on the sloping area of the site adjacent to Gallows Hill where distance views are afforded from the Castle and St Marys Church.

Views from outside the site are mitigated by existing mature boundary planting that is proposed to be supplemented with additional planting. The existing boundary to the south of the site, where it is adjacent to the Castle Park has already been strengthened with significant tree planting that offers significant structural planting to this boundary of the site.

It is noted by Officers that the upper area of the site will be read against the backdrop of further residential development on the parcel of land to the immediate east of the application site and this is an important consideration when considering the visual impact of this development.

The scheme as identified on the indicative masterplan identifies large areas of open space forming an integral element of the overall proposal and the result is a development that seeks to significantly bolster the amount of tree planting within the site and retaining large areas of open green space within the development that give an overall feeling of a development site that is sensitive to the edge of the settlement and creates a more green and 'leafy' form of development that is appropriate for this location.

The Landscape Officer has raised concerns regarding the proposed layout of the scheme and would seek further planting schemes to be provided. At this stage, the masterplan drawing is indicative only and the overall landscaping strategy for the site will be provided at reserved matters stage. The applicants have been in negotiation with the Landscape Officer to agree a suitable solution for the treatment of the site and this will be submitted as part of the reserved matters application.

The number of dwellings proposed has been reduced by 10 as part of this revised application. Overall, Officers acknowledge that the masterplan is only indicative at this stage but consider that it defines the general intentions and aspirations of the application to create a site that forms a green buffer to this edge of settlement location. Assisted by the reduction in the number of dwellings proposed, the development is considered to be acceptable in terms of the impact on the character of the surrounding area.

Impact on the adjacent Registered Park and Garden and Warwick Conservation Area

Local Plan Policy HE1 (protection of designated Heritage Assets) identifies that development will be expected to respect the setting of conservation areas and important views both in and out of them.

In refusing planning permission for the previous scheme of 260 dwellings, there was a concern that the additional number of dwellings over the allocation and the intensity of development would cause less than substantial harm to the setting of both the adjacent Castle Park, a Registered Grade 1 Park and Garden and the adjacent Warwick Conservation Area. That harm was considered to arise from the failure of the proposals to adequately demonstrate that:-

2. they can be satisfactorily integrated into the surrounding historic landscape in an acceptable manner without detriment to the significance of those heritage assets or,
 - i. that any such harm is capable of being appropriately mitigated.

Historic England have expressed that the applicant has not demonstrated that the increased number of dwellings proposed over the allocation can be accommodated at the site in a manner that doesn't harm the setting of Castle Park.

Correspondence has also been received making reference to the decision on The Asps appeal in which in their conclusion, the Inspector makes reference to the weight to be attached to the value of heritage and landscape on the approach to Warwick along the Banbury Road and the need for sensitivity in new proposals.

The applicants advise that they have considered the comments of Historic England and letters of objection carefully. By way of response, they have submitted a detailed Heritage Assessment of the proposed development and provided cross sections through the site to the adjacent Castle Park to demonstrate that in terms of levels, the proposed development would be largely screened by the existing mature tree planting to the boundary which has also been strengthened with additional tree planting to provide a dense buffer which would also assist in ensuring that the two sites would not compete with each other when viewed from the public domain.

Paragraph 159 of the Inspectors Final Report into the Local Plan acknowledged that due to the close proximity of the western part of Allocation H46a, housing on the scale proposed would have an impact on views from the Castle Park and this part of the Warwick Conservation Area given that the site extends up to Banbury Road and its junction with Gallows Hill. In the opinion of the Inspector, the views from the Castle Park would be screened to a significant degree by existing trees along the boundary of the Castle Park/Conservation Area which runs along Banbury Road and by existing and proposed landscaping on the opposite side of Banbury Road and within the site itself.

In considering whether the site should be allocated for residential development, the Inspector opined that whilst there would be some harm to the setting and therefore the significance of the Castle Park and Conservation Area, this would be less than substantial but due to the statutory duties relating to the preservation of such assets, gave this harm considerable importance and weight.

When assessing the harm, the Inspector concluded at Paragraph 161 of the Final Local Plan Report that the proposed site allocation would make a sizeable contribution to the supply of housing including a substantial amount of affordable housing (40% of the total) and would also have benefit in terms of providing publically accessible open space and improved pedestrian and cycling links towards Warwick Town Centre. He considered that these public benefits are very significant and outweigh the less than substantial harm to designated heritage assets as identified.

Within that context, the illustrative Masterplan and cross sections that have been submitted demonstrate that within the wider landscape, the reduced number of proposed dwellings will be read as being an integral part of a heavily landscaped area where the built development within the core of the site is concentrated at a significant distance from the site boundaries behind deep structurally landscaped and treed areas including belts of mature trees supplemented with newly planted young tree species that are beginning to establish and mature.

As a result, it is considered that there would be limited public views of the core of the development site when read within the context of Castle Park from the public

highway and any other public areas within the Warwick Conservation Area. Rather, the existing bosky and well treed character of the approach to Warwick will be reinforced and enhanced by the proposals. Plots that are located in any sensitive areas of the site can also be restricted to a maximum of two storey properties to prevent any excessive height impact.

Officers conclude that the impact of the development on the adjacent heritage assets amounts to less than substantial. Weighed against this degree of harm is the fact not only that this is an allocated site in the Local Plan which would deliver additional housing, but other benefits such as the provision of open space which forms an integral part of the layout and defines the character of the development.

The public views of the site are predominantly from the public highway in close proximity to the site and some distance views are afforded from Warwick Castle and St. Marys Church. In near views of the site, the dense planting on the boundary of the application site and the boundary of the Castle Park provide two defined areas that are not viewed as a single entity. Officers are satisfied that the existing planting provides a green buffer between those areas so that they do not compete visually and are not easily read together when viewed from ground level.

The use of dense planting ensures that even in winter when the trees are not all in leaf, a sufficient buffer is provided between the sites to prevent any harm as a result of the residential development of the site having a detrimental impact on the Castle Park. The overall separation between the proposed built form on the application site and the boundary of the Castle Park is substantial and in Officers view, would not represent a form of development that would be intensive or intrusive upon the setting of the Castle Park.

The scheme as indicated on the indicative masterplan demonstrates how elements of the adjacent Castle Park are used in the proposals to reflect the existing character through the proposed landscaping of the site to provide visual cohesion between the areas in terms of landscaping.

As the application is made in outline, the details of landscaping and appearance of the development are not being considered at this stage. However, the indicative masterplan submitted sets out the manner in which proposals could come forward and provides an appropriate basis for securing the high quality landscaping and form of development to ensure that the proposals do not create any significant detrimental harm to the character of the Castle Park RPG or the wider Warwick Conservation Area.

Impact on the character and setting of Listed Buildings

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

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

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

Whilst the immediate setting of Warwick Castle and St Marys Church are not directly affected by the proposal, key views of the site are available from both of these buildings, albeit at a distance.

Paragraph 157 of the Local Plan Inspectors Final Report makes reference to the effect of the development of the Gallows Hill site. He concluded that the site would sit some way from Warwick Castle and inter-visibility would be limited by existing and proposed landscaping and the development of the site would be seen against the backdrop of the Warwick Technology Park, the wider urban area and other committed development sites and that there would be no harm to the setting and therefore the significance of the Castle.

The adjacent development site includes a specific site line of the Castle and Church incorporated into the Design Code for its future development. The masterplan submitted for this site continues that open vista through the top section of the site where the land lies on the plateau. The area of open space as the land falls away is also contained within this vista ensuring that the views of the castle and church are maintained as well as minimising the amount of built form in prominent areas of the site where visible from the castle and church.

The applicants have provided visualisations of the views from the castle to demonstrate that the harm to this very important view is minimised. It is also noted that the site will be viewed against the backdrop of the adjacent development site that shares the allocation so there is will be an element of built form visible from the views from the castle and church.

Officers are satisfied that the development as proposed on the illustrative masterplan has had significant regard to these important views which will be integrated into the developed landscape in an appropriate manner including additional planting provided to significantly soften the impact of the development to the extent that it is considered to be acceptable in this regard.

The development is intended to provide a high quality environment which achieves and in some cases exceeds the Council's design guidelines. Although the development proposes 70 more dwellings than the allocation number it nevertheless remains a very low density scheme, at 17.5 dwellings per hectare. The extent of open space and landscaping proposed across the development would create an overall sense of spaciousness which would enhance the sense of place and overall amenity value for future residents. Officers are satisfied that the development accords with Policy BE3 of the Local Plan.

Air Pollution

There is ongoing concern regarding levels of air pollution already experienced within Warwick and that this will be further exacerbated by this proposal. That concern is expressed in the second reason for refusal on application W/17/0699 as follows:-

"The increased number of vehicle journeys arising from the additional dwellings would result in further airborne pollution within an area that is already subject to high levels of such pollution and the proposal would therefore also be contrary to Paragraphs 93 & 94 of the National Planning Policy Framework and Local Plan Policy NE5 relating to the reduction of emissions and greenhouse gasses."

In response to the reason for refusal, the applicant has updated the air quality assessment provided by Peter Brett Associates with additional data. The submitted assessment demonstrates that the proposed impact on air quality as a result of the development would be negligible.

The Environmental Sustainability Officer has made an assessment of the proposal and raised no objection subject to conditions seeking the submission of a Low Emission Strategy identifying appropriate air quality improvement measures including under the District Councils Air Quality Action Plan and Low Emission Strategy Guidance as necessary. This guidance establishes the principle of Warwick District as an 'Emission Reduction Area' and requires developers to use 'reasonable endeavours' to minimise emissions and, where necessary, offset the impact of development on the environment.

Following discussions with Officers, the applicant is currently preparing further information to demonstrate the approach that will be taken in this respect which will be reported to members at your meeting. As explained in the guidance, appropriate mitigation measures may include electric vehicle (EV) recharging provision and other locally specific measures to be used to minimise and/or offset any emissions from new development. Contributions towards local infrastructure and public transport improvements as requested by the Highways Authority in respect of this proposal which are intended to assist in the provision of alternative forms of sustainable transport opportunities from the site to further seek to reduce the impact on air quality as a result of the scheme may also be considered an appropriate part of that approach.

Officers are satisfied that these are technical matters and the specific details can be secured by condition so as to make the proposed development acceptable.

Other Considerations

Access and Parking The proposed development is to be served by a single access point forming a cross roads with the existing access into the adjacent Technology Park and is as previously proposed. As part of the consideration of

the earlier application, there was no objection to this element of the proposals which essentially remain unchanged. The Highways Authority have raised no objection to the proposals including in respect of the additional number of dwellings over the allocation subject to conditions to secure the detail of the access into the site and contributions towards infrastructure improvement for the Gallows Hill Corridor to improve walking and cycling opportunities and improvements to public transport services connecting the site to Leamington Spa and Warwick to improve sustainable transport opportunities for the occupiers of dwellings on the site.

Impact on local services Again, as part of the consideration of the earlier proposal, there was no objection in this respect. As was previously the case, a number of contributions have been requested and are considered necessary and appropriate in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010.

This a particular issue given the cumulative impact that is expected from the substantial level of housing growth proposed across the District. It is reasonable to expect a development of this size to contribute towards the additional costs associated with meeting these increased infrastructure demands. The relevant consultees are currently seeking to identify specific projects and locations to which contributions will be allocated.

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

- ii. 40% Affordable Housing.
 - Sustainable Drainage Maintenance.
 - Biodiversity Offsetting Requirements.
 - Air Quality Impact Requirements.
 - £6,000 per open market dwelling for local highway infrastructure improvements.
 - £638 per dwelling for improvements to public transport links.
 - £75 per dwelling for sustainable travel packs.
 - £64,272 towards Warwickshire Police improvements.
 - £287,712.13 towards NHS Improvements.
 - £3,501 towards local public rights of way improvements.

Additional requests are anticipated and will be reported to members at your meeting.

This proposal has also been assessed in terms of a range of other considerations to which no objection was raised at the time that the earlier scheme was considered. Those considerations included the impact of the proposals on adjacent properties; the provision of an appropriate living environment for future occupants of the proposed development; Drainage and Flood Risk considerations; matters relating to Trees and Hedgerows; Ecology and Archaeology. Whilst important, those aspects of the proposals remain essentially unchanged from the

previous application to which no objections were raised and which it is therefore not necessary to set out again in detail in this report.

Conclusion

The site is allocated within the Local Plan for residential development as part of allocation H46A. Whilst the proposed number of dwellings exceeds the estimate included at the time of allocation, it is considered that the applicant has demonstrated that the site is capable of accommodating a high quality scheme at that level which is acceptable in overall terms including in respect of the integration of built development within the surrounding historic landscape and the appropriate management of air quality issues such that the previous reasons for refusal have been addressed.

For the above reasons, Officers recommend that outline planning permission be granted subject to the conditions listed.

CONDITIONS

- 1 Details of the appearance, landscaping, layout and scale of the development (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out in strict accordance with these reserved matters as approved.
REASON: To comply with Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2010 (as amended).
- 2 Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission. **REASON:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).
- 3 The development to which this permission relates shall begin within three years of the date of this permission or within two years of 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).
- 4 No part of the development hereby permitted shall be commenced until a detailed access plan including details of the proposed alterations to the highway has been submitted to and approved in writing by the Local Planning Authority in consultation with the County Highways Department. Thereafter, the approved access shall be carried out in general accordance with the approved details prior to the first occupation of any dwellings constructed on the site. **REASON:** In the interest of highway safety and to ensure appropriate access is available for the future occupiers of the dwellings.
- 5 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 strict 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 BE3, NE2, NE4 and NE5 of the Warwick District Local Plan 2011-2029.

- 6 The development hereby permitted 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 and subsequent mitigation as deemed appropriate. In addition appropriate working practices and safeguards for other wildlife that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full. **Reason:** To ensure that protected species are not harmed by the development in accordance with National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Policy NE2 of the Warwick District Local Plan 2011-2029.
- 7 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 the pond, wildflower grasslands; provision of habitat for protected species. The plan should also include details on soil management to make best use of the high quality soils on site -detailed guidance to inform this matter is available in Defra '*Construction Code of Practice for the Sustainable Use of Soils on Construction Sites*'. Such approved measures shall thereafter be implemented in full. **Reason:**

To ensure a net biodiversity gain in accordance with NPPF.

- 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 District Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837: 2005, a Guide for Trees in relation to construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the grounds levels be altered or any excavation take place without the prior consent in writing of the District Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **Reason:** To protect trees and other features on site during construction in accordance with Policy NE4 of the Warwick District Local Plan 2011-2029
- 9 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 in strict accordance with the approved scheme. **REASON:** In the interests of fire safety.
- 10 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 must 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 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 NE4 and NE5 of the Warwick District Local Plan 2011-2029.

- 11 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 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 FW1, FW2 and NE4 of the Warwick District Local Plan 2011-2029.
- 12 The development hereby permitted shall be carried out in strict accordance with details of surface and foul water drainage works that shall have been submitted to and approved in writing by the local

planning authority. **REASON:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy FW2 of the Warwick District Local Plan 2011-2029.

- 13 No development shall take place under any reserved matters consent until a construction phasing plan of the development has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in strict 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.
- 14 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 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 strict accordance with the approved details and shall be retained thereafter. **REASON:** To ensure appropriate open space and recreational facilities are provided to serve the development in accordance with Policy HS4 of the Warwick District Local Plan 2011-2029.
- 15 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 strict 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 BE3 & NE5 of the Warwick District Local Plan 2011-2029.
- 16 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:
 - Any temporary measures required to manage traffic during construction
 - Plans and details of haul roads within the site and for the turning and unloading and loading of vehicles within the site during construction
 - Dust management and suppression measures – level of mitigation determined using IAQM guidance
 - Wheel washing

- Noise assessment and mitigation method statements for the construction activities; in accordance with provisions of BS 5228:2009 Code of practice for noise and vibration control on construction and open sites – Part 1 and 2
- Concrete crusher if required or alternative procedure
- Delivery times and site working hours
- Site lighting
- Access and protection arrangements around the site for pedestrians, cyclists and other road users
- Restrictions on burning and details of all temporary contractors buildings
- Plant and storage of materials associated with the development process
- External safety and information signing notices
- Complaints procedures, including complaints response procedures and dedicated points of contact
- Best practicable means shall be employed at all times to control noise and dust on the site including:
 - Work which is likely to give rise to noise nuisance be restricted to the following hours: Mon-Fri 7.30 am - 5 pm, Sat 7.30 am - 1pm. No working Sundays or Bank Holidays.
 - Delivery vehicles should not be allowed to arrive on site before 8 am or after 4.30 pm Mon – Fri, 8 am - 1 pm Sat and not on Sundays or Bank Holidays.

The measures indicated within the Construction Management Plan shall be implemented prior to the commencement of the development and maintained for the duration of the 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 BE3, TR1, TR4 and NE5 of the Warwick District Local Plan 2011-2029.

- 17 No development shall take place unless and until a Low Emission Strategy has been submitted to and approved in writing by the local planning authority. The Low Emission Strategy shall thereafter be implemented in strict accordance with the approved details. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development, in accordance with Policy NE5 of the Warwick District Local Plan 2011-2029 and the aims and objectives of national guidance within the NPPF 2012.
- 18 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.

- An Archaeological Mitigation Strategy document shall be submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development. 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. Unless otherwise agreed with the Local Planning Authority, no development shall take place until any fieldwork detailed in the approved Archaeological Mitigation Strategy document has been completed to the satisfaction of the Local 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 HE6 of the Warwick District Local Plan 2011-2029.

- 19 No reserved matters application for any phase of the development shall be submitted until there has been submitted to and approved in writing by the Local Planning Authority a Site Wide Masterplan for the approved development, which shall substantially be in accordance with the approved plans and documents listed above in condition 4 and the principles set out within the Council's approved document 'Garden Towns, Villages and Suburb: A Prospectus for Warwick District Council, May 2012' (and any subsequent revision and/or approved plans/strategy available at the time), and which shall also accord with the principles set out in the approved Site Wide Design Code. The Site Wide Master Plan shall include the following:

- Illustrative details of how the proposed layout of development has been designed with due regard to the surrounding urban and rural context
- Land form topography as existing and proposed
- Land use plan and character areas (including densities and building heights)
- Movement corridors within the site (including principal roads, public transport corridors, footpaths, cycleways and green corridors) and demonstrating how these relate to existing movement networks in the wider area
- Location of any areas for off-street car parking areas and courts

- Key infrastructure (including SUDs, significant utility provision, schools, district/local centres)
- Landscape corridors and open space network
- Public open space
- Housing mix including tenure and size of dwelling
- Location of affordable housing
- Street tree planting and other structural planting landscape areas
- Hard and soft landscaping treatments
- Street lighting arrangements and any other lighting to public space
- A phasing plan including triggers for delivery of key elements of supporting infrastructure
- A statement establishing how the development proposals accord with the principles set out in the Site Wide Design Code.

REASON: In the interests of good urban design and a comprehensively planned development in accordance with NPPF and Policies DS7, DS15, BE2 of the Warwick District Local Plan 2011-2029

- 20 No reserved matters application for any phase of the development shall be submitted until there has been submitted to and approved in writing by the Local Planning Authority a Site Wide Design Code for the approved development. This Design Code shall be in accordance with the principles and parameters as set out within the DAS, the plans and documents listed in condition 4 above and "Garden Towns, Villages and Suburbs: A Prospectus for Warwick District Council, May 2012" (and any subsequent revision and/or approved plans/strategy available at the time). The Design Code shall include the following matters:

- hierarchy of streets/routes/sections (including the extent of adoptable highways and associated areas)
- Development blocks including built form and massing and relationship with adjoining development areas/blocks including areas of transition between development parcels (including the relationship between built form and adjoining open space);
- Building types
- Building heights
- The means to accommodate the parking of vehicles and cycles
- Sustainable Urban Drainage features
- Key spaces, open spaces and green features
- Architectural language and detailing
- Design principles for street tree planting and other structural planting landscaping areas
- Design principles on hard and soft landscaping treatments (including surfacing materials for all public realm) and proposals for their long term management
- Design principles on waste disposal and recycling
- Design principles on the colour and texture of external

materials and facing finishes for roofing and walls of buildings and structures

- Design principles for street lighting and any other lighting to public space (including parking areas)
- The principles shall include a regulating plan on an ordnance survey base at a scale no greater than 1:1250
- A mechanism for periodic review and refinement if necessary of the approved Design Code

The Design Code shall then be used to inform the subsequent reserved matters applications.

REASON: In the interests of good urban design and a comprehensively planned development in accordance with NPPF and Policies DS7, DS15, BE2 of the Warwick District Local Plan 2011-2029.

- 21 Any landscaping (other than the planting of trees and shrubs) including boundary treatment, paving and footpaths referred to in condition one shall be completed in all respects, with the exception of tree(s) and shrub(s) planting, within the first planting season following the first use of 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 BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.
- 22 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 trees and shrubs which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029.

- 23 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". **REASON:** To ensure that the housing meets the needs of the District as required by Local Plan Policy H4 of the Warwick District Local Plan 2011-2029 and the NPPF.
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Planning Committee: 27 February 2018

Item Number: 11

Application No: [W 17 / 2315](#)

Town/Parish Council: Warwick

Case Officer: Rob Young

01926 456535 rob.young@warwickdc.gov.uk

Registration Date: 28/11/17

Expiry Date: 27/02/18

Plot 8001 - 8004, Tournament Fields, Stratford Road, Warwick

Application for the variation of condition 11 of planning permission no.

W17/1104 to delete the prohibition on loading doors being opened between 1900 hours and 0700 hours and to substitute this with a restriction whereby the loading doors can only be used if internal operations occurring at the time do not cause nuisance to nearby residences as well as a requirement that between these hours the loading doors are only opened for as long as is necessary for instances of the movement of goods or personnel. The new condition 11 would not apply to Plot 8001. Planning permission no. W17/1104 was for the erection of 4 no. buildings to provide employment development for Use Classes B1, B2 and B8 purposes. FOR Sackville Developments (Warwick)Ltd

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

RECOMMENDATION

Planning Committee are recommended to GRANT planning permission for the proposed variation of condition.

DETAILS OF THE DEVELOPMENT

The application proposes a variation of condition 11 of planning permission no. W17/1104. Condition 11 currently reads as follows:

Except in the event of an emergency, all shutter/loading doors shall be kept closed before 0700 hours or after 1900 hours on any day.

The proposed revised wording is as follows:

With respect to Plots 8002, 8003 and 8004 only, before 0700 hours or after 1900 hours on Monday to Saturday, or before 0900 hours or after 1800 hours on a Sunday or Bank / Public Holiday, the loading doors shall only be used if internal operations occurring at the time do not cause nuisance to nearby residences. At these times the loading doors shall only be opened for as long as is necessary for instances of the movement of goods or personnel.

THE SITE AND ITS LOCATION

The application relates to vacant plots of land on the Tournament Fields employment site. These plots are situated on the southern edge of the development.

A hotel and residential properties adjoin the site to the south and east, while further vacant plots on Tournament Fields adjoin the site to the north. The A46 adjoins the site to the west. Tournament Fields contains a mix of offices, industrial and warehousing premises, together with a care home and ambulance station.

The site is largely flat, although there is a man-made bund with trees on top alongside the southern boundary. A watercourse runs along the southern boundary, with trees alongside.

PLANNING HISTORY

Outline planning permission for Tournament Fields was renewed in 2013 (Ref. W13/0758). This was for "employment development for Use Classes B1, B2 and B8 purposes". The original outline permission had been granted in 1995 (Ref. W92/0291).

In October 2017 reserved matters consent was granted for "Application for approval of reserved matters under outline planning permission no. W/13/0758 for the erection of 4 no. buildings to provide employment development for Use Classes B1, B2 and B8 purposes" (Ref. W17/1104).

RELEVANT POLICIES

- National Planning Policy Framework
- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- EC1 - Directing New Employment Development (Warwick District Local Plan 2011-2029)
- EC3 - Protecting Employment Land and Buildings (Warwick District Local Plan 2011-2029)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029)
- TR2 - Traffic Generation (Warwick District Local Plan 2011-2029)
- TR4 - Parking (Warwick District Local Plan 2011-2029)
- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029)
- HS7 - Crime Prevention (Warwick District Local Plan 2011-2029)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029)
- CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029)

- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)
- Vehicle Parking Standards (Supplementary Planning Document)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Employment Land Development Brief - Tournament Fields, Warwick
(Prepared by Severn Trent Property)

SUMMARY OF REPRESENTATIONS

Town Council: Object to the proposed change and support the original time restriction.

Public response: 11 objections have been received, raising the following concerns:

- the units and service yards are in close proximity to neighbouring dwellings;
- the proposed amendment would allow 24 hour operations;
- working outside of business hours would cause unacceptable noise and disturbance for neighbouring dwellings;
- noise from vehicle engines, reversing alarms, forklifts, loading doors opening etc;
- the noise report submitted by the applicant only considers internal noise, it makes no estimate of noise from vehicle movements or loading activities in the yards;
- there would be no way of monitoring the resulting level of noise;
- the construction works currently taking place are already adversely affecting neighbouring dwellings;
- increased emissions and adverse impact on air quality caused by increased hours of operation; and
- the applicant's suggestion that the condition will be unacceptable for all potential occupiers is speculation.

In addition to the above, the Hilton Hotel originally objected to the proposed amendment. However, following discussions with the applicant, they advise that they are satisfied that condition 12 is fully enforceable and that the Council is required to take action on this condition should a nuisance occur. They are therefore happy with the revised wording for condition 11 and that it is fully enforceable. However, they do not agree that condition 11 should be lifted from plot 8001.

WDC Environmental Health: Object (further details provided in assessment section below).

ASSESSMENT

The main issues relevant to the consideration of this application are the impact on the living conditions of neighbouring dwellings and the need to support economic growth.

The condition in question was imposed to protect the neighbouring dwellings from noise. The wording used in the condition was chosen to tie in with the assumptions made in the original noise assessment, which was that the loading doors would remain closed between 1900 hours and 0700 hours. The applicant has advised that this has caused difficulties for one of the prospective occupiers. They also consider that this condition is likely to be an issue for other prospective occupiers. As a result, they have undertaken a revised noise assessment to consider the impact of the loading doors being open at night.

The applicant's revised noise assessment concludes that internal noise from light industrial and warehouse operations is not likely to have an adverse impact on nearby residents with the loading doors open. This is based on the premises being used for B1 or B8 purposes (condition 10 prohibits B2 use unless a further noise assessment and noise mitigation measures are submitted for approval).

In view of these conclusions, the applicant submitted the current application to vary the condition. The revised wording for condition 11 in relation to internal noise is intended to mirror the approach taken in the approved wording for condition 12 in relation to external noise. Condition 12 permits vehicle movements and other activities in the service yard, provided that this does not result in noise likely to cause nuisance to nearby residences before 0700 hours or after 1900 hours on Monday to Saturday or before 0900 hours or after 1800 hours on Sundays / Bank Holidays.

This is a complicated issue and so Environmental Health's comments are repeated in full below:

"Overall, Environmental Health has significant concerns about the noise impacts arising from the shutter doors being open during the evening and night time. The units are located in close proximity to existing residential dwellings and noise sensitive commercial properties e.g. care home and hotel. With the original application (W/17/1104), the applicant submitted a noise report which highlighted the need for the shutter doors to be closed in order to prevent noise disturbance to residents. As this was not favourable to the applicant, a revised noise assessment was submitted which lowered the internal noise levels to such an extent that it suggested that noise would not be an issue. The revised internal noise level was not realistic and Environmental Health did not accept this. The applicant has suggested that keeping the shutter doors closed will impact on the viability and operability of the units, however, they have not provided a clear explanation on why this is the case. There is currently a planning condition on the original permission (W/17/1104) which restricts noisy external activities and deliveries between 19:00 and 07:00 so it is unclear why the shutter doors would need to be kept open during the night time. It is reasonable to say that the proximity of these units to the existing residential dwellings is close enough that industrial-type noise during the night time hours has the potential to cause a disturbance. This has been highlighted by complaints regarding the current construction activities at the site and the number of residential objections. In our view, keeping the shutter doors closed during the night time is a practical solution to this problem and should not unduly restrict the normal undertakings of a business.

The applicant has now proposed an alternatively worded condition which says that the shutter doors shall not be kept open if internal noise levels are likely to cause nuisance to nearby residents. I understand that the planning team has taken legal advice on the condition and it has been determined as meeting the relevant legal tests. Whilst we acknowledge this opinion, we are still not entirely convinced that the proposed condition is appropriate. The proposed condition will dilute the intended purpose of keeping the shutter doors closed and will not provide the same level of protection for local residents. We also feel that the condition too closely replicates the legal requirement to not cause a statutory nuisance under the Environmental Protection Act 1990 therefore it could be challenged at a later date as being unnecessary. If successful, this would provide even less protection for local residents. We note that the condition would only address noise amounting to a nuisance as opposed to a loss of amenity. We also note that the legal advice indicates that the opinion of whether the noise is a nuisance or not will fall to the assessment by an environmental health officer. We are not clear on how the applicant/operator of the site will be able to determine their own compliance with the condition if the suggestion is that a qualified individual is required for the assessment. The applicant's revised proposals have also failed to address our original objections where we raised concerns about the impact of LAmix noise incidents i.e. short loud peak noise incidents likely to cause sleep disturbance such as the sound of a pallet being dropped, a shutter door being closed, etc. These types of incidents need only occur a small number of times throughout the night time before complaints are received and a loss of amenity is experienced. The applicant has not addressed this issue in their submission and it still remains a relevant concern. Again, the original condition requiring the shutter doors to be closed during the night time would provide a practical solution to this.

To complicate the planning application further, the applicant wishes to have the condition removed entirely for Plot 8001 as the shutter doors face away from the residential dwellings. The applicant has submitted a further noise assessment which has utilised another internal noise level different to the previous two noise reports. As there is no specific operator in mind for these units, the noise assessment approach can only be viewed as indicative since the noise levels will vary depending on the occupier. The indicative noise assessment for Plot 8001 shows a low impact on the residential properties and hotel but indicates an increase in noise experienced at the care home. We would want to avoid an incremental increase in background noise levels at the site and therefore suggest that this increase be mitigated as far as possible. There is a concurrent planning application being considered for Plot 7001 (W/17/2396) which also indicates an increase in noise above the background level therefore there would be a cumulative increase in noise (in addition to any future development at the site). We would again suggest that the most practical way to mitigate this noise would be to keep the shutter doors closed during the evening to minimise noise breakout from the premises.

For the reasons set out above, we must maintain our objection to the application as we are not satisfied that the proposed variation will provide an equivalent level of noise protection for local residents and that noise disturbance will be caused as a result of shutter doors being left open whilst the units are in use during the night time period."

The comments of Environmental Health must form a key part of any assessment of matters relating noise. However, in determining a planning application, it is necessary to balance all considerations. Therefore, whilst the potential noise impact of the development is an important issue that must be afforded significant weight in the planning balance, it is not the only important consideration. In this case there is the similarly important issue of supporting economic growth. This is reflected in Para. 19 of the NPPF, which states that significant weight should be placed on the need to support economic growth through the planning system.

In this regard it is perhaps first important to note that the proposals relate to an established employment site that has long been the prime employment allocation for the District. Furthermore, the site has a long-standing outline planning permission for all forms of employment development (Use Classes B1, B2 and B8). Despite this, the site has remained largely undeveloped for many years.

There finally appears to be interest from prospective occupiers and therefore, given the previous evident lack of interest, it is important to ensure that any conditions are not unduly onerous so as not to put occupiers off. Of course, these economic considerations need to be balanced with the interests of the adjacent residents.

In this regard it should be noted that the application does not propose to remove the noise controls entirely. The alternative condition that has been proposed by the applicant would retain a reasonable level of control over internal noise for Plots 8002-8004. This condition is not necessary for Plot 8001 because the loading doors for that unit face away from the nearest noise sensitive uses (the hotel and the dwellings in The Peacocks) and will be screened from the care home to the north by future development on the intervening plots. Furthermore, no changes are proposed to Condition 12 which controls external noise. This would continue to apply to all plots (8001-8004) in its current form. Therefore, it has been concluded that the controls provided by the revised Condition 11 and existing Condition 12 strike the correct balance between protecting nearby residents and supporting economic growth.

Objectors have also raised concerns about traffic and air quality. However, these matters were considered in the assessment of the outline planning application and cannot now be reconsidered in the assessment of this reserved matters submission.

SUMMARY / CONCLUSION

Balancing out the objectives of supporting economic growth and protecting the living conditions of nearby residents, it is considered that the revised Condition 11 provides adequate control over internal noise from the proposed development, with existing Condition 12 retained to control external noise. Therefore it is recommended that planning permission is granted for the variation of condition 11.

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) 0003 Rev P-02, 0005 Rev P-01, 0103 Rev P-02, 0105 Rev P-02, 0203 Rev P-03, 0205 Rev P-05, 0301 Rev P-02, 0303 Rev P-02, 0304 Rev P-01 & 0305 Rev P-02, and specification contained therein, submitted on 9 June 2017, 19 June 2017, 7 September 2017 & 13 October 2017. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 2 The development shall be carried out and completed in accordance with the details of finished site and ground levels that were approved under Condition 2 of reserved matters consent no. W17/1104. **REASON** : To protect the character of the area and the amenities of adjoining occupiers in accordance with the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029.
- 3 The development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which shall have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, 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. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 & NE4 of the Warwick District Local Plan 2011-2029.
- 4 The development shall be carried out in accordance with the details of external facing materials that were approved under Condition 4 of reserved matters consent no. W17/1104. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
- 5 No development or other operations (including demolition, site

clearance or other preparatory works) shall be commenced until the tree protection measures that were approved under Condition 5 of reserved matters consent no. W17/1104 have been implemented in strict accordance with the approved details. In particular no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area, or any other works be carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). The approved tree protection measures shall remain in place for the duration of construction works. **REASON:** To protect those trees which are of significant amenity value to the area and which would provide an enhanced standard of appearance to the development in accordance with Policy NE4 of the Warwick District Local Plan 2011-2029.

- 6 All existing trees shall be retained and shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any tree(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) of such size and species details of which must be submitted to and approved by the local planning authority. All tree(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces). **REASON:** To protect those landscape features which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1 & NE4 of the Warwick District Local Plan 2011-2029.
- 7 No boundary treatment shall be installed other than in strict accordance with the details approved under condition 7 of reserved matters consent no. W17/1104. **REASON :** To ensure a satisfactory standard of design and appearance for the development, in accordance with Policy BE1 of the Warwick District Local Plan.
- 8 The premises hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **REASON:** To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual amenity in accordance with Policies BE1, BE3 & TR4 of the Warwick District Local Plan 2011-2029.

- 9 None of the premises hereby permitted shall be occupied unless and until cycle parking has been provided in accordance with details that shall have been submitted to and approved in writing by the local planning authority. The cycle parking shall be retained at all times thereafter. **REASON:** To ensure adequate cycle parking facilities, in accordance with Policy TR4 of the Warwick District Local Plan 2011-2029.
- 10 None of the units hereby permitted shall be used for purposes falling within Class B2 of the Town and Country Planning (Use Classes) Order 1987 unless:
- (a) a noise assessment (including details of noise mitigation measures if deemed appropriate) has been submitted to and approved in writing by the local planning authority; and
 - (b) any noise mitigation measures approved under (a) have been implemented in strict accordance with the approved details.
- Any noise mitigation measures shall thereafter be retained and maintained in strict accordance with the approved details at all times that the unit is used for purposes falling within Class B2 of the Town and Country Planning (Use Classes) Order 1987.
- REASON :** To protect the living conditions of the nearby dwellings and hotel, in accordance with Policies BE3 & NE5 of the Warwick District Local Plan.
- 11 With respect to Plots 8002, 8003 and 8004 only, before 0700 hours or after 1900 hours on Monday to Saturday, or before 0900 hours or after 1800 hours on a Sunday or Bank / Public Holiday, the loading doors shall only be used if internal operations occurring at the time do not cause nuisance to nearby residences. At these times the loading doors shall only be opened for as long as is necessary for instances of the movement of goods or personnel. **REASON :** To protect the living conditions of the nearby dwellings and hotel, in accordance with Policies BE3 & NE5 of the Warwick District Local Plan.
- 12 No noisy external activities (including deliveries in or outgoing) likely to cause nuisance to nearby residences shall take place on site before 0700 hours or after 1900 hours on Monday to Saturday or before 0900 hours or after 1800 hours on a Sunday or Bank / Public Holiday. **REASON:** To protect the amenities of occupants of nearby properties in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029.
- 13 Noise arising from any plant or equipment, when measured one metre from the façade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB(A) (measured as LAeq(5 minutes)). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall

be added to the measured level. **REASON:** To protect the amenities of occupants of nearby properties in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029.

- 14 The development shall be carried out in strict accordance with the Construction and Environmental Management Plan by Benniman Construction Group that was submitted on 28 July 2017. **REASON :** To protect the amenities of occupants of nearby properties in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029.
- 15 No lighting or illumination of any part of any building or the site shall be installed or operated unless and until details of such measures shall have been submitted to and approved in writing by the local planning authority and 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 in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029.
- 16 No chimneys or flues shall be installed on any of the premises hereby permitted other than in strict accordance with details that shall have been submitted to and approved in writing by the local planning authority. **REASON :** To protect the living conditions of nearby dwellings, in accordance with Policy NE5 of the Warwick District Local Plan.

Planning Committee: 27 February 2018

Item Number: 12

Application No: [W 17 / 2326](#)

Town/Parish Council: Warwick

Case Officer: Emma Booker

01926 456521 Emma.Booker@warwickdc.gov.uk

Registration Date: 19/12/17

Expiry Date: 13/02/18

9 Stuart Close, Warwick, CV34 6AQ

Erection of single storey front extension with bow front door and 2no. velux roof lights FOR Mr Phillips

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

RECOMMENDATION

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

RELEVANT PLANNING HISTORY

W/07/1619 - Erection of two storey side extension and front pitched roof canopy - Granted.

Only the two storey side extension element of this permission has been implemented to date. However, as the permission is extant the front extension could be implemented at any time. The approved front extension extends along the full width of the property's frontage including the side extension.

KEY ISSUES

The Site and its Location

The application property is a two-storey end of terrace dwelling located a corner plot of Stuart Close, Warwick. The site is located within the Warwick Conservation Area. The row is characterised by front gables, white cladding together with bow windows and small porches to the ground floors.

The application property benefits from a two storey side extension. This extension is subservient in that it is set down and back from the main house. However, it is built using facing brickwork and windows which are at odds with the original main house and the rest of the row.

Whilst the site row of properties is within the Conservation Area, it is considered that the properties are of no particular architectural merit.

Details of the Development

Erection of single storey front extension with bow front door and 2 velux roof lights. Materials used in works will be to match existing.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

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

Guidance Documents

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

SUMMARY OF REPRESENTATIONS

Warwick Town Council - Objection. The proposal is an overdevelopment of the site and not fitting with the street scene.

Ecological Services - Recommend notes relating to bats and nesting birds.

Public Response - 7 objections received on the following grounds:

Proposal is too large in scale; fenestration is out of character; negative impact on the conservation area; potential impact on parking; interrupts front elevation building line.

Assessment

Design and impact on the character and appearance of the street and the Conservation Area

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

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

Warwick District Council adopted Local Plan Policy HE1 requires development to preserve or enhance the special architectural and historic interest and appearance of Conservation Areas. It goes on to state that development should respect the setting of Conservation Areas and should not impact on important views or groups of buildings from inside and outside of the boundary. The policy requires that new development within the Conservation Area should make a positive contribution to the local character and distinctiveness of the Conservation Area. Local Plan Policy HE1 also reinforces the NPPF by stipulating that works must not adversely affect the listed buildings special architectural or historic interest, integrity or setting. Local Plan Policy HE2 relating to unlisted buildings in Conservation Areas reiterates this by stipulating that alterations and extensions should be refused where they adversely affect the character, appearance or setting of a Conservation Area.

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

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

The objections received are noted. However, regard must be had to the fact that the extension approved in 2007, which remains extant, includes a front extension which would remove the bay window and have a predominantly brick frontage.

In comparison, the proposal subject of the current application would be largely glazed and includes a bow front door and white panelling, which is more sympathetic to the character and appearance of the terrace. Whilst the proposed extension would result in a feature which is not otherwise present in the rest of the terrace, it is considered that it would be an improvement over the extant scheme.

Taking all of the above into consideration, the proposal is considered to be acceptable and recommended for approval.

The impact on the neighbouring properties

Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of all neighbouring residents, in terms of outlook, provision of daylight and visual intrusion. The Council's Residential Design Guide SPG provides a design framework for Policy BE3 and states that extensions should not breach a 45 degree line taken from the nearest habitable room of a neighbouring property.

The single storey front extension does not breach the 45° line from the neighbouring property at No.11 Stuart Close and the proposal is therefore considered not to result in material harm by reason of loss of light or outlook and the proposal complies with Policy BE3.

Summary/Conclusion

Given the fall-back position of the extant permission, it is considered that the proposal constitutes an improvement and is recommended for approval. The scheme is considered to meet the requirements of Local Plan Policy BE1, BE3 and HE2 and is recommended for approval.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 17/11/17-01, and specification contained therein, submitted on 25th January 2018.

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

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

Planning Committee: 27 February 2018

Item Number: 13

Application No: [W 17 / 2343](#)

Town/Parish Council: Kenilworth
Case Officer: Dan Charles

01926 456527 dan.charles@warwickdc.gov.uk

Registration Date: 13/12/17

Expiry Date: 07/02/18

131 Warwick Road, Kenilworth, CV8 1HY

Erection of 8no. apartments after demolition of existing building FOR Parkroy Limited

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The proposal seeks the demolition of the existing building and erection of a new part three and part four storey building containing 8 apartments together with all ancillary works and parking provision.

The proposal is for 8 x two bedroom flats split with 2 at ground floor, 3 at first floor, 2 a second floor and 1 unit at third floor level.

Parking is to be provided to the rear of the building with spaces provided in an area of undercroft below flat 5 and a tandem parking area externally to the rear.

A landscaped courtyard amenity area is set between the building and the adjacent Earl Clarendon Public House.

The building will be set back from the side boundary with the access road (which the current building immediately abuts) to allow for the provision of a 900mm wide footpath linking the rear of the building to the public highway to the frontage.

Refuse and cycle storage is proposed at the rear of the undercroft parking area below Flat 5.

THE SITE AND ITS LOCATION

131 Warwick Road is a dis-used former builders' merchant building. The land to the rear was originally the builders' yard associated with the use but this has since been granted permission for new dwellings. The building has been vacant since 2013.

The existing building is 3 storey in height and constructed of brickwork under a flat roof with a mixture of windows types and designs.
The building fronts directly onto the pavement and at the side, abuts the existing access drive serving the rear of the site.

A yard area has been retained at the rear and is currently used for parking of vehicles associated with the construction works at the rear.

PLANNING HISTORY

W/17/2295 – Prior notification application under Class O of the GPDO for a proposed change of use of the existing B1 offices to 4 residential apartments at first and second floor only – Withdrawn 25.01.2018.

W/17/1697 – Prior Approval Notification for Proposed change of use from existing Office Use (Class B1a) to 4 residential apartments on first and second floor only – Refused 30.10.2017

W/15/0642 - Prior Notification of Proposed change of use from offices (B1a) to 5no. 2-bed apartments (C3 -residential) – Withdrawn 12.06.2015.

Land to rear

W/17/1094 – Variation of condition 1 of planning permission W/15/0620 to allow changes to the design of the houses and apartments, the bin store location, garages and the parking layout - Granted 13.09.2017

W/16/1788 - Variation of condition 1 on planning permission W/15/0620 to allow changes to the design of the houses and apartments, the access road to the private drive, the bin store location and the parking layout – Refused 26.05.2017 and Appeal Dismissed.

W/15/0620 - Submission of all reserved matters pursuant to the original outline (W/11/1618) for 9no. apartments, 3no. dwellings and 3no. garages - Approved 16.09.2015

W/11/1618 - Outline application for the erection of 9no. apartments, 3no. dwellings and 3no. garages - Approved 04.07.2012

RELEVANT POLICIES

- National Planning Policy Framework
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- EC3 - Protecting Employment Land and Buildings (Warwick District Local Plan 2011-2029)
- TCP1 - Protecting and Enhancing the Town Centres (Warwick District Local Plan 2011-2029)
- H0 - Housing (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)

- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR2 - Traffic generation (Warwick Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HS2 - Protecting Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)

Guidance Documents

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

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council - Object for the following reasons:

- The proposal is inconsistent with the streetscene and represents a missed opportunity to improve the look of Warwick Road.
- Additional traffic to that arising from the houses already under construction but uses the same substandard entry.
- The width of the vehicular access is inadequate for two way traffic, as illustrated in the submitted drawings and will lead to safety problems
- The footway provided does not go the full length of the narrow section and is only 0.9m wide.
- Unloading at the front entrance will cause total obstruction of the access in both directions.
- The front entrance door appears to be opening inwards. If Building Regulations require them to be opening outwards for emergency exit then they will open directly on to the narrow footway and create a further hazard.
- The development will have an adverse effect on the amenities of existing properties in Clarendon Mews, which will be overlooked from above.
- Members commented that an air quality report should be required as this is a known poor area.

Environmental Protection - Comments awaited and will be reported to Members in the Update Report prior to the Committee Meeting.

WCC Highways - Object for the following reasons:

"The principle of the proposed development is considered to be acceptable, as it is likely that the proposed 8 apartments will generate less vehicle trips compared to the existing builders merchants and office uses at the site. Despite this, the Highway Authority has the following concerns with the proposed site layout; According to drawing no. T227.002 and drawing no. T227.006, an undercroft

parking area shall be provided for parking spaces 1 to 5. This will result in parking spaces 1 and 5 being bound on one side by a wall. The Highway Authority requires parking spaces bound on one side to be at least 3m wide however, the parking spaces only measure 2.4m in width. Tandem parking has also been proposed. The Highway Authority requires clarification as to whether this parking will be allocated or unallocated. Tandem parking is not considered to be acceptable, if both of the spaces are not allocated to the same residential unit".

WDC Green Space Team - Recommend contribution towards improvements to Abbey Fields Footpath improvements.

WDC Contract Services (Waste) - Communal bins should be located within 10 metres of collection point. Concern over ability for refuse vehicle to manoeuvre into access drive to service bins due to access width and traffic levels on Warwick Road.

WCC Ecology - No objection, subject to conditions and notes on any permission granted to secure precautionary works and biodiversity gains.

Public Response - 9 letters of objection received on the following grounds:

- Loss of privacy and overlooking into adjacent properties from windows and balcony areas.
- Loss of light to adjacent properties.
- Design not in keeping with surrounding buildings and does not complement the character of the adjacent Georgian Public House.
- Would be the only 4 storey building in the locality.
- Access road is not suitable and doesn't allow two vehicles to pass.
- Pedestrian access is inadequate due to proposed footpath being insufficiently sized.
- Increased traffic will cause further harm.
- Potential noise impacts from adjacent Public House.
- Inadequate refuse facilities and site cannot be accessed by refuse vehicles.
- Scheme has not taken into account the Equality Act.

ASSESSMENT

Principle of Development

The application site is located within the urban area of Kenilworth which is considered to be a sustainable settlement for the purposes of supporting sustainable residential development. The site is an existing builders' merchant property that has been vacant for a number of years and is deemed to be a brownfield site so the redevelopment for residential purposes is considered to be acceptable in accordance with Policy H1.

In terms of the loss of the commercial site, Officers consider that the site has been vacant for a significant period of time and are satisfied that it has been marketed appropriately with no success. The use of the site as a builders' merchants is limited due to the loss of the yard area to an adjacent residential development.

As the site lies outside of the town centre of Kenilworth, Policy EC3 states that the loss of employment can be acceptable where it has been demonstrated that an alternative use of the land or buildings would not be viable. Officers are satisfied that the site has been adequately marketed for an alternative use and the location of the building does not make it a desirable premises for commercial uses.

On the basis of the above, Officers are satisfied that the development is acceptable in principle subject to an assessment of site specific matters.

Impact on visual amenity and the character of surrounding area

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

The existing building offers little to the visual character of the area, being viewed as a single, dominant block with little architectural or visual merit within the varied street scene. In this respect, Officers are satisfied that the removal of the building is justified and no objection is raised to this element.

The new building is proposed to be a contemporary structure that has its own defined character within the varied street scene. The design is akin to that used on the Almanack building within Kenilworth town centre. In simple terms, the building remains the shape and scale of the existing structure but with an improved external treatment through the use of varied materials and improved fenestration.

The proposed building is 4 storey, although the top floor is only a small section of the floor space of the floors below and contains a single 'penthouse' style apartment at third floor level.

The materials palette has been amended in line with the advice of the Conservation Officer and consists of blue brick to the frontage at ground floor with render to the upper floors. A feature corner of pale, stone cladding is proposed to create an interesting feature that breaks up the visual mass of the building. The remaining treatment is a glazed screen to the third floor 'penthouse' set on a parapet wall. The third floor structure is set back from the perimeter of the main structure and is constructed of predominantly glazing to create a lightweight structure under a flat roof that complements the solid character of the existing host building.

The existing building shares a common boundary for the full length of the boundary alongside the existing Earl Clarendon Public House. The proposed building will retain the general footprint of the existing building with the rear wing adjacent to the access road that retains the separation between the two buildings at the rear. This area will be used for the creation of a landscaped courtyard garden for the future occupiers.

The overall frontage of the building will also be slightly narrower than the existing building on the site which will allow for the creation of a footpath to the

side of the building. This will also create a marginally bigger visual gap between property and the existing building at 135 Warwick Road.

Overall, whilst the design is modern, the mixed character and scale of other buildings within the street scene, Officers, are satisfied that the design and appearance is acceptable.

Impact on adjacent properties

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

The site is flanked by the Earl Clarendon Public House to the north. The site shares the boundary for the entire length of the building and extends beyond the Public House and flanks the existing outdoor area.

The proposed development will retain the existing separation between the building. In this respect, the overall impact on the Public House and its external space will be retained as per the existing situation and no additional bulk or massing will be introduced to the immediate boundary line. The open area will be used as an external courtyard garden area.

A number of side facing windows currently exist on the building across all three storeys. The proposed development proposes windows to all three levels which would face the boundary with the Public House. These windows are set 7.2 metres from the boundary and set away from the Public House building by 10.2 metres. Officers are satisfied that the separation distances are sufficient in terms of the impact on the Public House.

To the north east lie a row of modern properties known as Clarendon Mews. The proposed development would offer some angled views of the rear of these properties. It is noted that the upper floors of the existing buildings already afford views over these properties but the current use is for offices rather than residential. The window to window distance at the nearest point is approximately 15 metres which is no less than existing. Whilst the development would afford some level of overlooking, Officers consider that due to the site layout and orientation, the relationship with these properties would be acceptable.

To the east is the parking area associated with the proposed development. The flat above the undercroft has its primary windows facing over the parking area which gives natural surveillance of the area. Oblique views would be possible of the properties at Clarendon Mews. Having regard to the oblique angle of these views, Officers are satisfied that the potential harm would be limited.

To the south of the site lie the rear gardens of properties fronting onto Warwick Road. The building has been designed with the corridors on this side of the building where adjacent to the private amenity space to prevent overlooking. The flats at the very rear of the building have windows facing to the south where they overlook a servicing area to the rear of the properties. Whilst some views of the garden areas are possible, Officers are satisfied that it would not result in

direct overlooking of private amenity space and would therefore have an acceptable relationship.

To the west of the site is the property frontage. The level of fenestration is increased but the relationship remains as front to front and is separated by the wide road and associated footpaths from the properties opposite the site. Officers consider that this relation is acceptable.

Highway Safety

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

The proposed development has been assessed by the County Highways Officer. The proposed use is considered to result in a net reduction in vehicle movements compared to the existing use of the site. In highway safety terms, the proposed use is considered to be an improvement over the existing use of the building.

The proposal provides a total of 14 spaces to serve the 8 apartments giving an average parking provision of 1.75 spaces per unit. The adopted parking standards require 1.5 spaces per unit which would give a requirement for 12 spaces. In this respect, Officers are satisfied that the level of parking is appropriate for this development.

The parking area is partially located underneath Unit 5 as an undercroft providing 5 spaces together with an area to the rear providing the additional 9 spaces of which 8 are proposed to be tandem spaces. In the proposal as originally submitted, the undercroft had solid side walls that would have required the spaces at each side to be 3 metres in width. In response to the Highway Authority's comments this has now been amended to omit the side walls of the undercroft which allows car doors to be opened without conflict with the side walls. In addition, the County Highways Officer also raised concern about the rear parking area which did not allocate spaces to the units which made the parking layout potentially unworkable. In response to this, the applicants have submitted a revised plan showing how the parking spaces are to be allocated which demonstrates that the parking spaces in tandem will be allocated to a single unit which is an acceptable layout.

A secure area for cycle storage is also proposed to the rear of the building for use by the occupiers of the proposed apartments.

Impact on Ecology/Protected Species

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

The County Ecologist has considered the proposal and noted that there are protected species records within close proximity of the application site. On this

basis, the Ecologist has recommended conditions be imposed on any permission granted to ensure that no protected species are harmed during the demolition works and thereafter, features installed to improve the biodiversity on the site. A note is also proposed

Impact on future residents from noise/living conditions

The proposed development provides all habitable room windows with sufficient outlook to ensure that the development would be acceptable for future occupants.

The site lies adjacent to the Earl Clarendon Public House. In assessing a previous scheme for the conversion of the existing building, the Environmental Health Officer recommended a noise report be submitted. This was assessed and additional information was required to carry out additional monitoring during the summer period where the use of the public house is likely to be higher. Due to time limitations, the application was withdrawn.

In the consideration of this application, Officers consider that additional noise monitoring and any associated mitigation works required can be amalgamated into the overall fabric of the building. The potential to carry out any mitigation works to the existing fabric was limited. Therefore, Officers are satisfied that the construction of the new building can incorporate significant noise insulation improvements (as required) in the fabric of the new building.

Open Space

No public open space is provided as part of the proposal. In these circumstances Policy HS4 seeks contributions from developments to provide, improve and maintain appropriate open space, sport or recreational facilities to meet local needs. The proposed development has been assessed by the Open Space team who have requested a contribution of £13,472 to be put toward the development objectives of improvements to Abbey Fields Open Space, relating specifically to the improvement of existing footpaths within the park area. The proposal is considered to accord with HS4 and is acceptable in this regard. This can be secured by condition.

Waste

The Contract Services Officer has raised concern about the proposed location of the bin store being set back from the edge of the public highway and the limited width of the access road. Officers note that the site plan submitted indicates a road of 4 metres in width. This land is outside of the site edged in red and is associated with the development to the rear.

In assessing this proposal, Officers are mindful that the ongoing development to the rear for new residential development proposes an increase in the width of the access road to 5 metres which is intended to be an adopted highway. This permission has a condition requiring the new access to be provided prior to the first occupation of the new residential properties. This would allow for a refuse vehicle to access the site as part of the highway network and service the site.

Officers consider that in all likelihood the proposal is likely to come forward after the completion of the adjacent site. However, for the avoidance of doubt, it is appropriate to add a condition to ensure that an appropriate method for the collection and treatment of waste can be provided should the adjacent development not come forward prior to the occupation of the application building. A Management Plan for the site is therefore proposed to be secured by condition.

Air quality

The proposal will result in fewer vehicular movements compared to the lawful use of the site as a builder's merchants. It is therefore considered that it would not be appropriate to require the provision of a low emissions strategy in accordance with Policy NE5 and the adopted guidance document.

Conclusion

The principle of the residential use of this site is considered acceptable and no objection is raised to the loss of the existing commercial use. The proposal is also considered acceptable in terms of visual amenity, neighbouring amenity and highway safety terms. The development would provide acceptable living conditions for occupiers and all technical matters can be adequately secured by appropriate conditions. On this basis, it is recommended that planning permission be granted.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) T227-002A, T227-03A, T227-04A, T227-05A and T227-06, and specification contained therein, submitted on 12 February 2017. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 Other than the demolition of the building, no development shall take place above ground level of the development hereby permitted until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
- 5 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. **REASON:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1, TR4 and NE5 of the Warwick District Local Plan 2011-2029.

- 6 Other than the demolition of the building, no development shall take place above ground level of the development hereby permitted until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in strict accordance with such approved details. **REASON:** To ensure that the character and appearance of the building is acceptable in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 7 Other than site clearance and preparation works no works shall commence on the construction of the development hereby permitted unless and until a noise assessment has been submitted to and approved in writing by the LPA. The assessment shall be carried out at an appropriate time to the satisfaction of the Local Planning Authority. The noise assessment shall include results for LAeq, LA10, and LA90 noise descriptors, together with a calculated arithmetical average for the LAeq. The assessment will demonstrate by calculation that internal noise levels for the proposed residential properties meet the 'Good' criteria set out in British Standard 8233 'Sound Insulation and Noise Reduction for Buildings' together with any mitigation measures that are required to achieve this. The development shall be constructed in strict accordance with any necessary mitigation measures identified in the approved report. Thereafter the measures implemented shall not be removed or altered in any way. **REASON:** To ensure that the premises are not subject to unacceptable nuisance or disturbance in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.
- 8 Unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy HS4 of the Warwick District Local Plan 2011-2029:

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

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

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

- 9 Other than site clearance and preparation works no works shall commence on the construction of the development hereby permitted unless and until a Management Plan for the disposal and treatment of waste associated with the residential use has been submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details.

REASON: To ensure that the proposed development has a satisfactory method for the disposal of waste in the interests of the visual amenities of the locality in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

- 10 The development hereby permitted shall be carried out in strict accordance with details of surface and foul water drainage works that shall have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy FW2 of the Warwick District Local Plan 2011-2029.

- 11 No part of the development hereby permitted shall be commenced unless and until a scheme for the provision of bat and bird boxes to be erected within the site, has been submitted to and approved in writing by the District Planning Authority. The scheme shall include details of box type, location and timing of works. Thereafter, the boxes shall be installed and maintained in perpetuity. **REASON:** In accordance with NPPF, ODPM Circular 2005/06.

- 12 The development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works in the approved application documents. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the

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

- 13 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 demolished 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.
- 14 No dwelling hereby permitted shall be occupied unless and until the communal car parking spaces to be provided have been completed and marked out in strict accordance with the approved drawing(s) number T227-002A and made available for use by the occupants and / or visitors to the dwelling(s) and thereafter those spaces shall be retained for parking purposes at all times. **REASON:** To ensure adequate parking provision within the development in the interests of the amenities of the locality and highway safety in accordance with Policies BE1, BE3 and TR4 of the Warwick District Local Plan 2011-2029.
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Planning Committee: 27 February 2018

Item Number: 14

Application No: [W 17 / 2347](#)

Town/Parish Council: Baginton

Case Officer: Helena Obremski

01926 456531 Helena.Obremski@warwickdc.gov.uk

Registration Date: 18/12/17

Expiry Date: 12/02/18

**Baginton School (Sunday School Rooms), Church Road, Baginton,
Coventry, CV8 3AR**

Erection of 2no. new dwellings and associated landscaping after demolition of former Sunday School building FOR Trustees of the Lucy Price Sunday School Trust

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The applicant seeks full planning permission for the erection of two semi-detached two storey, four bedroom dwellings, after demolition of Baginton School Rooms. Driveway parking is provided to the side of each property. The dwellings would be constructed from facing brickwork, with plain clay roof tiles, and oak window and door frames.

The scheme has been amended from the previous scheme (W/17/0809) which was refused for the following reasons:

The proposed development by reason of its location, nature, design, materials, bulk and massing would:-

- i. Result in the loss of an existing longstanding local community facility which the applicant has failed to demonstrate is either redundant; no longer needed, or provided in an alternative accessible location.*
- i. Comprise inappropriate development within the Green Belt to which there is an objection in principle and in respect of which no very special circumstances sufficient to outweigh that harm have been demonstrated;*
- i. Be harmful to i. the setting of the immediately adjacent Grade I Listed Church; and ii. the character and appearance of the Baginton Conservation Area within which the site is located and therefore the significance of those heritage assets. That harm, whilst less than*

substantial would not be outweighed by any public benefits offered by the scheme.

- i. Result in a development, the detailed design of which is incongruous and does not harmonise within the street scene to the detriment of the established character of this part of the village;*
- i. Make insufficient provision for car parking within the site and therefore increase the likelihood of additional parking within the public highway causing danger and inconvenience to other road users.*

The design of the proposed dwellings has been amended, to remove the dormer windows and incorporate minor design recommendations from the Conservation Officer such as the boundary treatment next to the Church and the design of the front elevations of the properties. The underpass serving one of the properties has also been removed and the driveways for each of the dwellings have been widened.

Additional information in relation to the loss of the community facility, including a Planning Statement and letter from the Parish Council have been submitted in support of the application.

THE SITE AND ITS LOCATION

The application site is positioned on the north side of Church Lane and is located within the Green Belt and Conservation Area. The site currently accommodates a single storey former school building which fronts directly onto the pavement serving Church Lane. To the sides and rear of the school building, there is hard surface providing car parking. To the rear of the site, the land level steps up and provides a small grassy area, with some overgrown vegetation and a high level boundary treatment to the north of the site.

To the west of the site lies St John the Baptiste Church, a Grade I listed building dating from the thirteenth century. To the east and south of the site, there are a number of residential dwellings, some of which are Grade II listed buildings and primarily front onto Church Lane.

PLANNING HISTORY

W/16/0606 - application refused for the demolition of the former school building and erection of 2no. dwellings.

W/17/0809 - application refused for the demolition of the former school building and erection of 2no. dwellings.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DS18 - Green Belt (Warwick District Local Plan 2011-2029)

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- HE4 - Archaeology (Warwick District Local Plan 2011-2029)
- HS8 - Protecting Community Facilities (Warwick District Local Plan 2011-2029)

Guidance Documents

- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- Vehicle Parking Standards (Supplementary Planning Document)
- Open Space (Supplementary Planning Document - June 2009)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)

SUMMARY OF REPRESENTATIONS

Baginton Parish Council: Support the proposal. Local open spaces and amenities have no development shortfalls that will be exacerbated by the development, so there should be no requirement for a contribution for the improvement to local open spaces.

Conservation Officer: No objection to amended scheme, concern expressed regarding the implications for the future growth of the church. Recommends that all facing materials and the design of the boundary treatments are covered by condition. A sample of the new boundary stone wall should be constructed on site and agreed in writing, permitted development rights should be removed to protect the setting of the Grade I church.

Private Sector Housing: No objection.

Waste Management: No objection.

Environmental Protection: No objection, subject to conditions.

Open Space: No objection, subject to contribution of £6,736 towards the improvement of local open spaces.

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

WCC Highways: No objection, subject to conditions.

WCC Archaeology: No objection, subject to conditions.

Historic England: Comments awaited.

Public Response: 1 neutral comment has been received - the car park and playground are used every Sunday for parking for the Church services and special occasions, the building has asbestos within it, and the land behind the car park is believed to be contaminated. 1 letter of support has been received on grounds that the development will enhance the setting of the church, remove a dilapidated and unattractive building while providing additional village housing.

ASSESSMENT

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

- Principle of the development
- Loss of a community facility
- Whether the proposal constitutes appropriate development in the Green Belt and if not whether there are any very special circumstances which outweigh the harm by reason of inappropriateness and harm to openness
- The impact on the character and appearance of the area
- The impact on the living conditions of nearby dwellings
- The impact on landscape and heritage assets
- Open space
- Archaeology
- Car parking and highways safety
- Drainage and flood risk
- Sustainable energy
- Ecological impact
- Health and wellbeing
- Other matters

Principle of the Development

Local Plan Policy H1 states that new housing will be permitted within:

- Urban areas
- Within allocated housing sites
- Within the boundaries of growth and limited infill villages

The proposal meets none of these requirements.

The policy also states that housing will be permitted in the open countryside where:

- The site is adjacent to the boundary of the urban area or growth village and;
- There is an identified housing need
- The proposal is for a small scale development that will not have a negative impact on the character of the settlement and capacity of the infrastructure and services within the settlement and

- The proposal is within reasonable safe walking distance of services or public transport and
- The proposal will not adversely affect environmental assets.

The application site is located adjacent to the growth village envelope, the proposal would be for small scale development which would not negatively impact the character of the area and local infrastructure. Furthermore, the proposed development would not adversely affect environmental assets. The site is also located within a 5 minute walk of local shops and a bus stop, and therefore meets some of the above criteria of Policy H1.

However, in this most recent Housing Needs Survey (2008), it was identified that there was a need for 18 homes, 12 of which would be for rent and 6 would be for shared ownership. As neither of the proposed dwellings would meet the identified housing need within the village, the development is not considered to be acceptable in principle. The proposal is therefore considered to be contrary to adopted Local Plan Policy H1.

Loss of a Community Facility

Local Plan Policy HS8 states that the redevelopment or change of use of community facilities that serve local needs will not be permitted unless: a) there are other similar facilities accessible to the local community by means other than a car; and either b) the facility is redundant and no other user is willing to acquire and manage it; or c) there is an assessment demonstrating a lack of need for the facility within the local community.

Under the previous application, it was considered that it had not been demonstrated that the facility was redundant and that no other users were willing to acquire it, or that there had been a formal assessment demonstrating a lack of need for the facility within the community.

Additional information has been provided as part of this application in support of the application. According to the Planning Statement, the building was used as a school by the Parish and closed in 1975. The building was then used occasionally as a Sunday School until it closed in 2010 due to its dilapidated state and being 'unfit for purpose'. The Sunday School is currently being held within the nearby Church.

The Planning Statement claims that the building has not been used as a community facility since 1975 and that over the last 7 years the condition of the building has significantly deteriorated. As there are two other community facilities (The Royal British Legion Club and Baginton Village Hall) within close proximity of the application site, the Planning Statement notes that if the Sunday School were to ever need more space, that they could use either of these facilities, and that therefore, the facility is redundant.

The agent submitted a letter signed from Baginton Parish Council as part of the application which states that the building was not used as a community facility after 1975 and that the requirement for a community facility is fulfilled by the Village Hall and Royal British Legion Club. The letter also states that the Parish Council believe that the purpose of constructing dwellings on the site and selling

them, is to provide funding so that the Trust can support the Sunday School. In the opinion of the Parish Council, it is their belief that nobody would ever purchase the site with the intention of using it as a community facility.

Officers note the contents of the letter from the Parish Council, however, this somewhat conflicts with the details provided by the agent. The agent states that the building was used occasionally between 1975 and 2010 as a community facility, whereas the Parish Council states that the building was never used as a community facility after 1975. Furthermore, a letter from one of the original Trustees states that the building was used as a community facility between 1975 and 2010. Whilst there are some discrepancies regarding how long the building was for used as a community facility, it is clear that it has not been used as such for the last 8 years.

The Planning Statement provides details on the number of bookings within the two other nearby community facilities, which demonstrates that there is capacity to accommodate additional bookings. It is therefore considered that it has been demonstrated that there are other similar facilities accessible to the local community by means other than a car.

It may be that the existing building is redundant, as it has not been used for 8 years. However, there has been no formal assessment provided as to whether another user is willing to acquire and manage the facility. The agent was asked to provide additional information such as a marketing report or a report from a commercial estate agent to indicate a lack of interest in this type of facility. However, no further details have been forthcoming. Neither has there been an assessment demonstrating a lack of need for the facility. It is therefore considered that the proposal has not met the requirements of point "b" or "c" of the policy.

As it has not been demonstrated that no other user is willing to acquire or manage the Sunday school, or that there is no longer a need for a community facility, its loss is not acceptable and the proposal is considered to be contrary to Local Plan Policy HS8.

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

The National Planning Policy Framework (NPPF) states that the essential characteristics of Green Belt are openness and permanence. It sets out that there is an objection in principle to inappropriate development within the Green Belt and determines that exceptions to inappropriate development in the Green Belt includes the partial or complete redevelopment of a previously developed site, so long as it does not have a greater impact on the openness of the Green Belt.

As the site is considered to be brownfield, redeveloping the site would be acceptable and would not be harmful to the Green Belt, so long as it does not have a greater impact on openness. The existing building has a gross floor space of 172sqm. There were two previous schemes on the site, which were refused due to the impact which the development would have on the openness of the

Green Belt. The original proposal was for two detached dwellings, which had a gross floor space of 326sqm, which was considered to be harmful to the openness of the Green Belt. Under the most recent application which was refused, the development was consolidated into two semi-detached dwellings, which represented a floor space of 308.3sqm which was still considered to be harmful to openness.

The current proposal still provides two semi-detached buildings but which have been reduced in size. However, the proposed gross floor space would be 290sqm, which is still over 100sqm larger than the existing building. Furthermore, the visual impression of the properties would be read as a two storey building which is materially larger than the existing property. The overall bulk and mass has been significantly increased from the existing single storey building and it is therefore considered that the proposal will have a greater impact on the openness of the Green Belt.

Whilst the site is previously developed land, the proposed dwellings would be considerably larger in scale, bulk and mass, significantly increasing the floor space from 172sqm to 290sqm which would have a greater impact on the openness of the Green Belt. Therefore, the proposed development is considered to be contrary to the NPPF and harmful by reason of inappropriateness and harm to openness.

The Impact on the Character and Appearance of the Area

The National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions. Furthermore, Warwick District Council's Local Plan 2011 - 2029 policy BE1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using the appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area. Finally, the Residential Design Guide sets out steps which must be followed in order to achieve good design in terms of the impact on the local area; the importance of respecting existing importance features; respecting the surrounding buildings and using the right materials.

Following on from the refusal of the previous scheme, a meeting was held with the applicant's, agent, Planning Officer and Conservation Officer. The proposed design of the dwellings was discussed. There is a cluster of traditional properties as you enter this part of Church Road, some of which are rendered and some are constructed from traditional red bricks, with gable features. Whilst there is some variety in the street scene, the overall impression is of a traditional village setting. Previously, the proposed dwellings had front facing dormer windows, which were considered to be an alien and incongruous feature within the street scene. Furthermore, the use of timber boarding was also considered to appear incongruous within this context. One of the proposed dwellings had an

underpass which was considered to be incongruous within the street scene, which has no similar features.

The current scheme has been amended to remove the dormer windows and underpass. The proposed dwellings now adopt a more simple design, with side facing gable roof, and modest porches. The brick soldier courses underneath the windows add architectural interest which replicate similar features within the street scene and headed arches above some of the windows are considered to be appropriate within the existing street scene.

Previously, it was considered that setting back the dwellings would be harmful to the street scene. The Glebe Barn is positioned opposite to the application property and is set back from the main highway. As the design of the dwellings has been amended to respect the character of the street scene, and the dwellings would be set back by only a maximum of 1.7 metres from the main highway, it is not considered that setting the dwellings back from the road would be so harmful which would warrant reason for refusal of the application.

Therefore, the proposed development is considered to be acceptable within the street scene and is considered to accord with the NPPF, Local Plan Policy BE1 and the Residential Design Guide SPG.

The Impact on Landscape and Heritage Assets

Warwick District Council adopted Local Plan Policy HE1 requires development to preserve or enhance the special architectural and historic interest and appearance of Conservation Areas. It goes on to state that development should respect the setting of Conservation Areas and should not impact on important views or groups of buildings from inside and outside of the boundary. The policy requires that new development within the Conservation Area should make a positive contribution to the local character and distinctiveness of the Conservation Area. Local Plan Policy HE1 also reinforces the NPPF by stipulating that works must not adversely affect the listed buildings special architectural or historic interest, integrity or setting. Local Plan Policy HE2 relating to unlisted buildings in Conservation Areas reiterates this by stipulating that alterations and extensions should be refused where they adversely affect the character, appearance or setting of a Conservation Area.

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

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

Officers and Historic England previously raised concerns regarding the siting of the properties and the fact that the development provided two separate buildings rather than one. The amended scheme now only provides one building, and the Conservation Officer has stated, that subject to conditions requiring sample materials of the proposed dwellings and retaining wall next to the Church, that the development is acceptable. The Council is still waiting for a response from Historic England which will be included in the update report prior to the Planning Committee meeting.

The removal of the existing structure is not considered to cause harm to the Conservation Area; the building is not considered to be of any particular architectural merit which would warrant its retention. The Conservation Officer is now satisfied that the amended design would respect the context of the Grade I listed Church and that the dwellings would not be harmful to the wider setting of the Conservation Area.

It is not considered that the development would be harmful to the nearby listed building or Conservation Area. Therefore, the development is considered to be in accordance with Local Plan Policies HE1 and HE2, and the NPPF.

Open Space

Policy HS4 and the associated SPG state that contributions from developments will be sought to provide, improve and maintain appropriate open space to meet local and district needs.

The Open Space team have commented on the proposal and state that the additional residents brought to the area by this application will put more pressure upon existing open space. They recommend that a contribution of £6,736 would be an appropriate requirement for this proposal, however, they have requested that Baginton Parish Council are consulted to determine where the funds could be most appropriately placed. The Parish Council state that there are no development shortfalls where the open space contribution could be placed, and as such do not consider that it is necessary to provide the funds on this occasion. For this reason, no open space contribution is required for the proposed development.

The proposal is considered to accord with Policy HS4.

Archaeology

The proposed development lies within an area of significant archaeological potential, within the probable extent of the medieval settlement at Baginton (Warwickshire Sites and Monuments Record MWA 9492). There is therefore a potential for archaeological deposits, including structural remains, boundary features and rubbish pits, associated with the occupation of this area during the medieval and post-medieval periods to be disturbed by the proposed development. WCC Archaeology has therefore recommended conditions requiring the provision of a scheme of archaeological works and an archaeological mitigation strategy, which are considered to be acceptable.

The development is therefore considered to be in accordance with Local Plan Policy HE4 and the NPPF.

The Impact on the living conditions of nearby dwellings

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

The Glebe Barn is positioned opposite to the application site. This is a two storey dwelling and the minimum distance separation required for the proposed development would usually be 22 metres. The proposed dwellings are positioned 11 metres away from this neighbour. Whilst this does not meet the Council's minimum distance separation requirement, the guidance does state that within Conservation Areas, where the overriding need is to preserve or enhance the appearance of the area, the provisions of the guidance will not need to be directly applied. Therefore, in this instance it is considered that the requirement to apply this guidance is not needed. It is not considered that the proposed dwellings would have a material harm to the living conditions of the occupiers of Glebe Barn which would warrant reason for refusal.

The Old School House is positioned to the east of the application site and sits further forward than the proposed dwellings. There has been an objection from the occupants of this property that there will be a loss of light and privacy to the first and second floor windows to the neighbouring property. However, it is considered that there would be no loss of light or outlook as a result of the proposed development as it would be at least 7.5 metres from the proposed development at its closest point. Furthermore there are no first floor side facing windows which would overlook this neighbour. For these reason it is not considered that there would be material harm caused to the living conditions of the occupiers of Old School House which would warrant reason for refusal of the application.

The proposal is therefore considered to comply with Local Plan policy BE3 and the Residential Design Guide SPG.

Car Parking and Highways Safety

The previous scheme was refused partly because the proposed dwellings did not have adequate parking provision (the proposed driveways did not meet the minimum size requirements in accordance with the Council's adopted Vehicle Parking Standards SPD).

The driveways have been widened to 3.5 metres, and can accommodate two cars. This meets the Council's adopted Vehicle Parking Standards SPD. It is also

noted that WCC Highways have no objection to the development. Therefore, the proposal is considered to be in accordance with Local Plan Policies TR1 and TR3.

Drainage

There has been no information provided in relation to landscaping other than that shown on the block plan which makes reference to soft landscaping only. A condition could be applied to the application for the provision of a soft and hard landscaping scheme prior to commencement of works to ensure that sustainable drainage systems are provided.

Ecological Impact

WCC Ecology have commented on the proposal and consider that the application can be conditioned to ensure that protected species are not harmed. They recommend the inclusion of conditions which require the provision of a protected species method statement, a combined ecological and landscaping scheme and a tree protection plan all prior to commencement of works on site, and notes in relation to bats and lighting which affects animals. These conditions are considered to be reasonable.

Health and Wellbeing

No issues of health or well-being are raised; however, the proposal would provide additional homes.

CONCLUSION

The proposed development of two dwellings would represent the loss of a community facility and is considered to constitute inappropriate development in the Green Belt. Therefore, the proposal is considered to conflict with the NPPF and aforementioned Local Plan policies and guidance.

REFUSAL REASONS

- 1 Paragraph 89 of the NPPF states that Local Planning Authorities should regard the construction of new buildings as inappropriate development in the Green Belt. The application site is washed over by Green Belt and the proposed development of two dwellings does not meet any of the exceptions listed under paragraph 89 of the NPPF. No very special circumstances have been presented which outweigh the harm by reason of inappropriateness and harm to openness.
- 2 Policy HS8 of the Warwick District Local Plan 2011 - 2029 states that the redevelopment or change of use of community facilities that serve local needs will only be permitted where:
 - a) There are other similar facilities accessible to the local community by means other than the car, and either:
 - b) The facility is redundant and no other user is willing to acquire and manage it, or;
 - c) There is an assessment demonstrating a lack of need for the facility

within the local community.

It is not considered that it has been demonstrated that the facility is redundant and no other user is willing to acquire and manage it, and there has been no assessment provided which demonstrates whether there is a need for the facility by the local community. The development is therefore considered to be contrary to the aforementioned policy.

Planning Committee: 27 February 2018

Item Number: **15**

Application No: [W 17 / 2370](#)

Town/Parish Council: Sherbourne
Case Officer: Liz Galloway

01926 456528 Liz.galloway@warwickdc.gov.uk

Registration Date: 20/12/17

Expiry Date: 14/02/18

Sherbourne Farm, Sherbourne Hill, Sherbourne, Warwick, CV35 8AD

Erection of a tiled roof, open sided timber gazebo. FOR Mr Lea

This application is being presented to Committee as there are more than 5 letters of support for the application and it is recommended for refusal.

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The application proposes a detached timber gazebo with a tiled roof and open sides.

THE SITE AND ITS LOCATION

The application site relates to a group of former agricultural buildings surrounded by fields and washed over by Green Belt. The site is located north of the A46 dual carriageway close to the junction with the M40 where the site access is located, however, the proposed access for the development is located to the North of the site off the B4463 via a recent gravel track some 750m in length. Sherbourne Brook runs East/ West through the site and the application site sits on the edge of Flood Zones 2 and 3.

PLANNING HISTORY

Various planning history, the most recent being:

W/13/0700/AG - Re-siting of existing barn and lean-to shelter to enable livestock and materials/supplies to be handled more rationally - Granted 18th June 2013.

W/13/1403 - Change of use and partial demolition of redundant barns, farm buildings and the erection of new reception space to create a bespoke wedding venue including parking for 36 cars - Refused 29/11/13;

W/13/1735 - Application for Prior Approval for proposed change of use of agricultural building to a flexible use (only 150 square metres) - Planning permission is not required.

W/14/0239 - Application for Prior Approval for proposed change of use of barns to restaurant (Use Class A3) and assembly & leisure (Use Class D2) - Planning permission required (not PD).

W/14/0875 - Application for a Lawful Development Certificate for established use of barns as shoot room and catering facility (Use Class D2) - Not lawful

W/14/1325 - Application for Prior Approval for proposed change of use of agricultural building to Use Class (A3 & D2) - shoot room, catering facilities, kitchen, toilets, storage - all ancillary to the function of the farm and estate - Planning permission required (Not PD).

W/15/0539 - Application for prior approval for the change of use of agricultural building to mixed use comprising restaurant (Use Class A3) and assembly & leisure (Use Class D2) - Planning permission required (Not PD).

W/15/1471 - Alterations to former barns (retrospective application), granted 16th November 2015.

W/17/1197 - Change of use of existing buildings from Use Class A3 (Restaurants and Cafes) to Use Class D2 (Assembly and Leisure) & Use Class A3 (Restaurants and Cafes). Granted October 2017.

RELEVANT POLICIES

- National Planning Policy Framework
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- DS18 - Green Belt (Warwick District Local Plan 2011-2029)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Agricultural Buildings and Conversion - Barns (Supplementary Planning Guidance)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)

SUMMARY OF REPRESENTATIONS

Barford Sherbourne & Wasperton Joint Paris Council: No objection.

Public response: 8 comments in support.

WCC Ecology: Recommend bat box/tile condition and bird, amphibian and reptile notes.

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The application proposes a detached timber gazebo with a tiled roof and open sides.

THE SITE AND ITS LOCATION

The application site relates to a group of former agricultural buildings surrounded by fields and washed over by Green Belt. The site is located north of the A46 dual carriageway close to the junction with the M40 where the site access is located, however, the proposed access for the development is located to the North of the site off the B4463 via a recent gravel track some 750m in length. Sherbourne Brook runs East/ West through the site and the application site sits on the edge of Flood Zones 2 and 3.

PLANNING HISTORY

Various planning history, the most recent being:

W/13/0700/AG - Re-siting of existing barn and lean-to shelter to enable livestock and materials/supplies to be handled more rationally - Granted 18th June 2013.

W/13/1403 - Change of use and partial demolition of redundant barns, farm buildings and the erection of new reception space to create a bespoke wedding venue including parking for 36 cars - Refused 29/11/13;

W/13/1735 - Application for Prior Approval for proposed change of use of agricultural building to a flexible use (only 150 square metres) - Planning permission is not required.

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W/15/0539 - Application for prior approval for the change of use of agricultural building to mixed use comprising restaurant (Use Class A3) and assembly & leisure (Use Class D2) - Planning permission required (Not PD).

W/15/1471 - Alterations to former barns (retrospective application), granted 16th November 2015.

W/17/1197 - Change of use of existing buildings from Use Class A3 (Restaurants and Cafes) to Use Class D2 (Assembly and Leisure) & Use Class A3 (Restaurants and Cafes). Granted October 2017.

ASSESSMENT

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

- Whether the proposal constitutes appropriate development in the Green Belt and, if not, whether there are any very special circumstances which outweigh the harm by reason of inappropriateness and any other harm identified
- Design
- Impact on neighbouring residential amenity
- Ecology

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

Warwick District Council Policy DS18 states that the Council will apply national planning policy to a proposal within the Green Belt.

Paragraph 89 of the National Planning Policy Framework states that local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt, other than certain exceptions. The proposed development does not fall within any of these exceptions and therefore the proposal must be regarded as inappropriate development and would, therefore, be harmful to the openness of the Green Belt.

Paragraph 87 in the National Planning Policy Framework states that inappropriate development in the Green Belt should not be approved except in very special circumstances.

There are considered to be no very special circumstances in this case to outweigh the conflict with Green Belt policy or the harm to the openness of the Green Belt and therefore the proposal does not comply with the National Planning Policy Framework.

There is an existing converted open sided barn within the site which provides a covered external seating area for users of the venue. It is considered that a further covered building would negatively impact on the openness of the Green Belt.

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 Local Plan 2011 - 2029 Policy BE1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the area.

The application relates to a complex of converted barns and Warwick District Council have produced supplementary planning guidance on barn conversions which discourages the introduction of any domestic elements that are visually detrimental to the agricultural character of the barns.

The proposal relates to a detached gazebo, typical of a structure found in a residential curtilage. The adjacent buildings are converted barns, which by their very nature were outbuildings that have a traditional agricultural character. To grant permission for a building of a domestic character alongside the barns would harm the character, setting and integrity of the converted barns and would be contrary to Warwick District Local Plan Policy BE1 and the SPG.

Impact on neighbouring residential amenity

Warwick District Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There are no nearby residential uses which would be impacted as a result of the proposed development and therefore it considered to comply with Local Plan policy BE3 and the NPPF.

Ecology

WCC Ecology have commented on the application and recommend a condition relating to the provision of a bat box/bat tile be attached to any approval granted. Furthermore, Ecology have recommended bird, amphibian/reptile notes and ground clearing and storing material notes.

Summary/Conclusion

The application is for a new building within the Green Belt, which is contrary to National and Local Policy. No very special circumstances have been put forward which would outweigh the harm by reason of inappropriateness and harm to openness. Furthermore, the proposal would result in material harm to the character and setting of the converted barns.

REFUSAL REASONS

- 1 Paragraph 89 of the NPPF states that Local Planning Authorities should regard the construction of new buildings as inappropriate development in the Green Belt. The proposed gazebo does not meet any of the exceptions listed under paragraph 89 of the NPPF. No very special

circumstances have been presented which outweigh the harm by reason of inappropriateness and harm to openness.

- 2 The proposal relates to a group of converted barns which are used as a wedding venue, which by their very nature were a rural outbuildings with an agricultural character. To grant permission for an outbuilding with a domestic character to serve these barns would harm their character and setting and would be contrary to Policy BE1 and the Council's Barn Conversion SPG.

Planning Committee: 27 February 2018

Item Number: 16

Application No: [W 17 / 2388](#)

Town/Parish Council: Warwick

Case Officer: Rebecca Compton

01926 456544 rebecca.compton@warwickdc.gov.uk

Registration Date: 21/12/17

Expiry Date: 15/02/18

24 Saltisford, Warwick, CV34 4TA

Erection of a dual pitched roof garage following demolition of existing flat roofed garage FOR Mr Butler

This application is being presented to Committee as the applicant is an elected District Councillor.

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

Erection of a dual pitched roof garage following demolition of existing flat roofed garage

THE SITE AND ITS LOCATION

The application property is a Grade II Listed Building located on the north side of Saltisford, Warwick. The application relates to a detached garage at the end of the garden that backs onto Edwards Mews. The site is also located within the Warwick Conservation Area.

PLANNING HISTORY

No relevant planning history.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)

- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)

Guidance Documents

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

SUMMARY OF REPRESENTATIONS

Warwick Town Council: No objection.

WCC Ecology: Recommend a condition relating to bats and an informative note relating to nesting birds.

Conservation Officer: No objection. Comment that the pitched roof garage will be a significant improvement over the existing.

ASSESSMENT

Design and impact on the Conservation Area and the Listed Building

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

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.

The application property is a Grade II listed building and the application relates to a flat roofed garage located at the end of the garden which backs onto Edward Mews. There are a number of garages and coach house style outbuildings in the vicinity of the application site but are predominantly pitched roof in contrast to the application garage which is flat roofed.

The proposal is to demolish the existing garage and replace it with a pitched roof garage which is considered to be more in keeping with the character and appearance of the Conservation Area. The existing garage is considered to have has no particular architectural merit and therefore the demolition of this building is considered acceptable. The proposed garage will be of a similar height to the surrounding outbuildings and will integrate well within the established character of this area. The garage is proposed in brick to with timber windows which is considered an appropriate use of materials in this part of the conservation area and for an outbuilding within the curtilage of a listed building. The Conservation Officer has raised no objection to the proposal and has commented that the proposed design will be more in keeping with this part of the Conservation area.

Overall, it is considered that the proposal will lead to an enhancement of the Conservation Area.

Impact on the amenity of neighbouring properties

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

The proposed garage is located at the end of the garden of No.24 Saltisford and will be situated over 8m from any neighbouring dwelling. The garage will be single storey and will be constructed in a similar height to other garages and outbuildings in vicinity. Furthermore, the garage will be primarily surrounded by other outbuildings of a similar nature, none of which are being used as primary living accommodation. It is therefore considered that the proposed garage will not result in any material harm to the living conditions of the occupiers of neighbouring properties by reason of loss of light, outlook or privacy. It is also noted that no objections have been received.

The proposal is therefore considered to accord with Policy BE3.

Parking

Policy TR3 of the Local Plan states that development will be expected to comply with the parking standards set out in the Parking Supplementary Planning Document (SPD). The SPD specifies 2 parking spaces for the dwelling.

The proposed garage will essentially be built upon the same footprint as the existing garage with slight extensions in size towards the northern side and within the garden area, neither of which will protrude into the off road parking to the rear. Therefore the proposal will not alter the current parking arrangements for this property.

The proposal is therefore considered to accord with Policy TR3.

Ecology

Policy NE3 of the Local Plan states that new development will be permitted provided that it protects, enhances and / or restores habitat diversity.

The County Ecologist has no objection to the proposal, subject to a condition requiring a bat worker to check the existing roof for bats before the works commence and that the roofing material is removed by hand. Given the location of the building and the fact that it could be demolished without planning permission it is considered that this condition would not be reasonable in this case. As bats are protected under separate legislation, it is considered that a bat note will be sufficient. A nesting bird note will also be added as requested.

The proposal is therefore considered to accord with Policy NE3.

Conclusion

The proposed pitched roof garage is considered to enhance the Conservation Area and will present no harm to the setting of the Listed building or the amenity of neighbouring properties.

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 17/66-01, 17/66-02, and specification contained therein, submitted on 21/12/2017. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
 - 3 Other than site clearance and preparation works no works shall commence on the construction of the development hereby permitted until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1, HE1 and HE2 of the Warwick District Local Plan 2011-2029.
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Planning Committee: 27 February 2018

Item Number: 17

Application No: [W 17 / 2429](#)

Town/Parish Council: Kenilworth

Case Officer: John Wilbraham

01926 456539 john.wilbraham@warwickdc.gov.uk

Registration Date: 12/01/18

Expiry Date: 09/03/18

47b Fieldgate Lane, Kenilworth, CV8 1BT

Replacement house after demolition of existing bungalow FOR Mr Mike Hastings

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

RECOMMENDATION

Planning Committee are recommended to REFUSE planning permission, for the reasons stated in this report.

DETAILS OF THE DEVELOPMENT

The proposal is seeking permission to replace the existing bungalow with a new two storey dwelling.

THE SITE AND ITS LOCATION

The site is presently occupied by a detached bungalow and is located within a Conservation Area and the Urban Area of Kenilworth. The road is residential in nature with a mix of house types and styles.

PLANNING HISTORY

N/A

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)

- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Vehicle Parking Standards (Supplementary Planning Document)
- Open Space (Supplementary Planning Document - June 2009)

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: Regretted that the new house was proposed to be nearer to the neighbour and felt that in such a Conservation Area it would be more neighbourly to position any new development within the footprint width of the old house

WCC Ecology: No objection, recommend bat, nesting bird and amphibian and reptile notes be attached

WDC Conservation Officer: The proposed design is architecturally more interesting and includes characteristic dormer windows and windows in gables. Proposal should be no wider than the existing building, and project no further forward into the front garden, and that it be pulled back from the boundaries to provide maintenance strips / visual break with neighbouring dwellings

Public Responses:

1 letter of objection received:

Concern about proximity of new dwelling and loss of amenity

Impact on the drains and manholes between the two properties

5 letters of support received on the following planning grounds:

Visual improvement to the area and Conservation Area

In-keeping with neighbouring properties

Well set out within plot

Improvement to highway safety

ASSESSMENT

Impact on the Conservation Area and surrounding area

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

Warwick District Local Plan Policy HE1 expects development proposals to have appropriate regard to the significance of designated heritage assets. Where any potential harm may be caused, the degree of harm must be weighed against any public benefits of the proposal.

Warwick District Local Plan Policy HE2 states that new development should preserve or enhance the character or appearance of the Conservation Area.

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

The proposal seeks to replace an existing bungalow that has little architectural merit, with a replacement dwelling that is more in keeping with the character of the street. The replacement dwelling would be sited on a similar footprint to the existing property. There is an increase in the width where it extends towards the neighbour no. 47a and to the rear where a single storey element would infill what is currently a patio.

The design of the building is broadly an L-shape with the main bulk of the dwelling having a gabled end, dual pitched roof with a front gable feature and a rear two storey gable projection with a single storey flat roof element to the side. Along the southern side elevation, which runs parallel to the remaining bungalow no. 47a, is a one and a half storey element that has single storey height eaves and accommodation in the roof space. This element of the proposal would be forward projecting and incorporates the garage, the door for which would be located on the side elevation. This element extends backwards along the boundary with 47a, joining with the rear roof slope where a dormer window is positioned across both roof planes.

The reasoning for the design of this side elevation is that it creates a step up from the neighbouring bungalow to the main ridge height of the new dwelling without being visually dominant to the bungalow. I consider that by having the lower eaves to achieve this effect creates a contrived design that gives an unbalanced character to the dwelling due to the front gables being different heights, the main roof continuing down over the porch and resulting in a large expanse of roof along this side elevation that will be visible from the street. The rear dormer also appears to sit very awkwardly in the elevation being that it projects out further than the gable end of the main roof to link in with the roof of the side element.

By moving the forward projecting gable to the opposite side of the plot adjacent to the neighbouring bungalow, it creates a dominating effect on this property in the streetscene. The ridge line of the side element on the new dwelling would be 1.6m higher than the bungalow whilst the front wall would be set 1.8m further forward. There are a number of forward projecting gables in the street, one being the adjacent property to the application site.

This property is set back from the frontage of the bungalow and therefore its visual impact on the bungalow is lessened. The proposed design would be closer to the bungalow and whilst the eaves are set lower than the neighbour, the ridgeline is 1.6m higher. This combined with the forward projection will screen the bungalow when looking south towards it, whilst views northwards will see the bungalow visually dominated by the proposal.

The Conservation Officer has been consulted and confirmed that whilst the proposal would be more architecturally interesting than the current property, amendments should be made to ensure the proposal is not overly dominant in the plot. These include reducing the width to no more than the current bungalow, ensuring it projects no further forward than the existing property and maintaining visual breaks between the neighbours.

Amended plans have been requested to address these design concerns but none have been forthcoming. The current design, whilst accepted as being more interesting than the existing bungalow, is not considered to be one that suits the character of the Conservation Area. The contrived design, especially the southern side element, creates an unbalanced property that appears to be overly large for the plot. As such the proposal is considered to be contrary to Policies HE2 and BE1 of the Local Plan.

Impact on adjacent properties

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

The neighbour to the south, no 47a, has three windows in the northern elevation facing towards the existing bungalow. These windows serve bathrooms and a utility which are not classed as habitable rooms. This neighbour has raised concerns regarding the impact on their amenity which is considered to arise from the increased height and creation of first floor accommodation. The two first floor windows on the rear elevation of the new dwelling both serve bedrooms and they would have oblique views across the neighbouring property and down the garden. Given that the area is a residential street there is already a degree of overlooking of gardens from other properties and I do not consider the proposal would give rise to such unacceptable overlooking of the neighbour such as to justify a refusal of planning permission.

The neighbouring property no. 49 has a number of side facing windows that look over the site of the proposed dwelling. Most of these windows serve non-habitable rooms, however one on the ground floor serves a study which is classed as a habitable room. Whilst the 45-Degree Guideline and Distance Separation Guidelines do not apply to side facing windows, it is still necessary to consider the impact on such windows, particularly where they are the only source of light and outlook for the room in question.

The existing bungalow already impacts on this window. However given that it is a single storey structure, the overall mass of built form that the window looks out onto is relatively limited. The proposal introduces a two storey rear gable in front of this window and also brings it closer by 0.8m. The window is south facing and it is considered that the design of the proposal would exacerbate the current impact to this window leading to an even greater loss of light and overbearing impact on this habitable room. Amended plans have been requested to address this problem but have not been forthcoming.

Based on this I consider the proposal to be an unneighbourly form of development that will have a detrimental impact to this property and is therefore contrary to Policy BE3.

Access and Parking

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

The existing property is a 4 bedroom dwelling that requires 2 parking spaces in-line with the Authority's parking standards. The replacement dwelling would have 5 bedrooms which still only require 2 spaces be provided. The submitted plans show that space for at least 4 cars would be provided to the front of the dwelling and space to manoeuvre to enable vehicles to exit in a forward gear. Based on this I am satisfied the proposal accords with Policies TR1 and TR3.

Other Matters

Ecology

The application was submitted with a bat survey which has been assessed by the County Ecologist. They have raised no objection to the proposal and suggested that a number of informative notes be attached. Based on this advice I consider the proposal will not have an adverse impact on protected species.

Conclusion

The design of the proposal is not considered to be an enhancement to the Conservation Area or wider streetscene due to the contrived design, specifically the one and a half storey element along the southern elevation. The design creates an unbalanced property that appears to be overly large for the plot and also causes an unacceptable overbearing and loss of light impact to the neighbouring property no. 49. As such the proposal is considered to be contrary to Policies HE1, HE2, BE1 and BE3 of the Local Plan.

REFUSAL REASONS

- 1 The design of the proposal is not considered to be an enhancement to the Conservation Area or wider streetscene due to the contrived design, specifically the one and a half storey element along the southern elevation and the rear dormer position. The design creates an unbalanced property that appears to be overly large for the plot. The proposal is therefore contrary to Policies HE1, HE2 and BE1 of the Warwick District Council Local Plan 2011-2029.
- 2 The proposed replacement dwelling by virtue of its size and proximity is considered to cause an unacceptable overbearing and loss of light impact on the side facing study window of the neighbouring property

no. 49 which is contrary to the provisions of Policy BE3 of the Warwick District Council Local Plan 2011-2029.

Planning Committee: 27 February 2018

Item Number: 18

Application No: [W 18 / 0006](#)

Town/Parish Council: Radford Semele

Case Officer: Emma Booker

01926 456521 Emma.Booker@warwickdc.gov.uk

Registration Date: 04/01/18

Expiry Date: 01/03/18

Leigh Foss, The Valley, Radford Semele, Leamington Spa, CV31 1UZ

Erection of single storey rear extension FOR Mr Clarkson

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

RELEVANT PLANNING HISTORY

None.

KEY ISSUES

The Site and its Location

The application property is a detached bungalow located on The Valley, a narrow lane in Radford Semele. To the east and west of the property lie open fields. The site is not situated within a flood zone, however is identified by the Environment Agency to be susceptible to ground water flooding <25%. T

Details of the Development

Erection of single storey rear extension after demolition of existing rear conservatory.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

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

Guidance Documents

- Vehicle Parking Standards (Supplementary Planning Document)

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

SUMMARY OF REPRESENTATIONS

Cllr Michael Doody - Objection - Flooding.

Cllr Stan Sabin - Objection - Site is outside of the village envelope, flooding, sets a precedent for future development.

Radford Semele Parish Council: Objection - Severe disruption in an extremely narrow lane, site is outside the village envelope.

Ecological Services: Recommend notes relating to bats, nesting birds, amphibians and reptiles. Request an informal note is attached to state that great crested newts can be found hibernating in the foundations of buildings.

Public Response:

Two letters of support have been received on grounds of the proposal will improve the aesthetic, short-lived impact on traffic during construction phase. Two objections have been received on grounds that the property is situated outside of the village envelope, parking, disruption during construction period, flooding and ecological impacts.

Assessment

The impact on the neighbouring properties

Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of all neighbouring residents in terms of light, outlook and privacy. The Council's Residential Design Guide SPG provides a design framework for Policy BE3 and states that extensions should not breach a 45 degree line taken from the nearest habitable room of a neighbouring property. This serves to protect the extent to which neighbours can enjoy their own dwellings without undue disturbance or intrusion from nearby uses.

The proposed single storey rear extension does not breach the 45° line taken from the neighbouring property at No.32 The Valley as the proposed extension sits behind the existing dwelling. The proposed rear extension will not result in an increase in footprint of the existing dwellinghouse given that the new extension is identical in dimension to the existing conservatory. To the rear of the property are open fields, and therefore there are no concerns surrounding loss of privacy.

The proposal is therefore considered not to result in material harm to living conditions and complies with the aforementioned policies.

Design of the proposed extension

Local Plan Policy BE1 requires all development to relate well and harmoniously with the architectural form of the surrounding built environment, in terms of scale and massing, and also through good design.

The proposed single storey rear extension is not materially larger than the existing conservatory, and therefore does not present a negative impact in terms of scale or massing. Support comments from neighbours state that the proposed rear extension will be an improvement in terms of design as the existing conservatory is in need of repair.

Materials used in the works will be to match existing and are in character with the surrounding area. The proposed extension is subservient to the existing bungalow with its flat roof equal in height to the eaves of the existing dwellinghouse.

The proposal is therefore considered to accord with the Policy BE1.

Property site susceptible to ground water flooding

Objections have been received highlighting that Leigh Fosse is susceptible to occasional ground water flooding. Leigh Foss is not situated within Flood Zones 2 or 3, and so the likelihood of flooding is low. As stated on the proposed drawings, the proposed extension is to be set no lower than the existing floor levels in the house. In terms of making the current flooding situation worst, a concern put forward by No.79 St Nicholas Road, the proposed extension has the same footprint as the existing conservatory and therefore will have no material effect in this respect.

It is considered that the works present no increase in risk in terms of flooding and is therefore considered acceptable.

Ecological Impact

The neighbour at No.79 St Nicholas Road has raised concerns over possible ecological impacts. Ecological Services at Warwickshire County Council raise no objection to the proposed works, but recommend that notes relating to bats, nesting birds, amphibians and reptiles are attached to any approval. Their response is based on the fact that there is to be no alteration to the roof of the dwellinghouse, nor is there to be any further encroachment into the garden as a result of the works.

Parking

In accordance with the Vehicle Parking Standards SPD, the proposed development will not require the provision of any additional parking and the proposal does not propose any changes to the existing parking.

Other matters

As part of their objection Radford Semele Parish Council and Cllr Sabin raised the fact that the application site is outside of the village envelope. However, this is not relevant to the consideration of an application for a domestic extension.

The period of construction for the proposed single storey rear extension will be relatively short. Neighbours have objected due to the potential disruption the construction of the proposed rear extension will bring as The Valley is a relatively narrow road with difficult access. I am satisfied that there is ample space around the property for materials to be stored and therefore disruption caused by material deliveries is likely to be very minor. Some disruption during construction is part and parcel of development and is not a reason to withhold planning permission.

Summary/Conclusion

The proposal is considered to meet the requirements of Local Plan Policies BE1, BE2 and NE2 and 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 drawing(s) 3650-02A, and specification contained therein, submitted on 8th February 2018. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
 - 3 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029.
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Planning Committee: 27 February 2018

Item Number: 19

Application No: [W 18 / 0059](#)

Town/Parish Council: Kenilworth
Case Officer: Emma Booker

Registration Date: 17/01/18

Expiry Date: 14/03/18

01926 456521 Emma.Booker@warwickdc.gov.uk

31 Offa Drive, Kenilworth, CV8 2GZ

Erection of two storey rear extension FOR Mrs Taylor

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The application seeks permission for the erection of a two storey rear extension built using matching materials.

THE SITE AND ITS LOCATION

The application site relates to a semi-detached bungalow located on the east side of Offa Drive, Kenilworth. The street scene consists of pairs of semi-detached bungalow dwellings. Rear dormer windows to give second floor accommodation are a common feature within Offa Drive.

PLANNING HISTORY

The property has an existing rear single storey extension.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

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

Guidance Documents

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

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council - Objection on grounds of loss of light and privacy to neighbour's conservatory, protrudes unacceptably, overlooking and loss of privacy and would set an undesirable precedent.

Ecological Services - No objection, recommend nesting bird and bat notes.

Public Response - 5 objections have been received on the following grounds: Too big in scale, obtrusive, out of character with the area, will set an undesirable precedent, loss of light to conservatory, loss of privacy, unneighbourly development.

ASSESSMENT

The impact on the neighbouring properties

Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of all neighbouring residents, in terms of light, outlook and privacy. The Council's Residential Design Guide SPG provides a design framework for Policy BE3 and states that extensions should not breach a 45 degree line taken from the nearest habitable room of a neighbouring property. This serves to protect the extent to which neighbours can enjoy their own dwellings without undue disturbance or intrusion from nearby uses.

Objections have been raised on grounds of loss of light and privacy to the neighbouring dwellings. The two storey rear extension does not breach the 45° line from the neighbouring property at No.29 Offa Drive. The proposed two storey extension is to extend out from the rear of No.31 Offa Drive to the same depth as No.29's rear extension (conservatory). It is therefore considered that the proposed two storey rear extension will not lead to material harm by reason of loss of light or outlook. It is considered that the proposed extension cannot be considered to be obtrusive. It was noted from the officer's site visit that the roof of the conservatory at No.29 Offa Drive is not transparent, and therefore the two storey extension will not be visible from inside. In any case, it should be noted that conservatory's are not afforded a greater level of protection than brick built structures.

The two storey rear extension does not breach the 45° line from the neighbouring property at No. 33 Offa Drive.

When considering whether the proposed two storey extension will impact on the privacy of the neighbours, it is important to note that the proposed extension is no greater in depth than the existing conservatory. It is also important to recognise that the character of the area is one where there is an element of mutual overlooking between properties. No.31 Offa Drive has an existing rear

dormer window, positioned on the right hand side of the roof slope with transparent and operable windows. From this window the applicant is able to look directly into the garden of No.29 Offa Drive. With this in mind, I do not believe that the two storey extension will have a significant impact on the privacy of its neighbours at No.29. The proposed two storey extension will not protrude unacceptably as it is equal in depth to the existing garden room extension.

No.27 Offa Drive objects on the grounds that the two storey rear extension will block light from entering his garden. While there may be some impact, it is not considered that there will be material harm such as to justify a reason for refusal.

Taking all of the above into account, it is considered that the proposal will not result in material harm to neighbour's amenity in terms of light, outlook or privacy and it therefore accords with Policy BE3 and the SPG.

Design of the proposed extension

Local Plan Policy BE1 requires all development to relate well and harmoniously with the architectural form of the surrounding built environment, in terms of scale and massing, and also through good design.

The proposed two storey rear extension is subservient to the main dwelling as it is set down from the roof ridge of the main dwellinghouse. Currently there are no other two storey rear extensions similar to the one proposed in Offa Drive, and there are concerns that such development may set a precedent for similar development in the future. The proposed extension will be visible from the street but only through a narrow gap between Nos 31 & 33 Offa Drive. In addition, the materials used in the construction of the proposal are to match existing enabling the extension to blend into the form of the original dwellinghouse, again serving to minimise the impact on the character of the streetscene. It is therefore considered that the development will not harm the character and appearance of the area.

Summary/Conclusion

The proposal is considered to meet the requirements of Local Plan Policies BE1 and BE3 and 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 drawing(s) 1736/P/01, 1736/P/02, 1736/P/03 and specification contained therein, submitted on 11th January 2018.
REASON : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

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