

## **Planning Committee**

### **Tuesday 26 April 2022**

A meeting of the above Committee will be held in the Town Hall, Royal Leamington Spa on Tuesday 26 April 2022, at 6.00pm and available for the public to watch via the Warwick District Council [YouTube channel](#).

Councillor A Boad (Chairman)  
Councillor T Morris (Vice Chairman)

Councillor M Ashford

Councillor R Dickson

Councillor O Jacques

Councillor J Kennedy

Councillor V Leigh-Hunt

Councillor C Quinney

Councillor N Tangri

Councillor J Tracey

Whitnash Residents Association Vacancy

### **Emergency Procedure**

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

### **Agenda**

#### **Part A – General**

#### **1. Apologies & Substitutes**

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

#### **2. Declarations of Interest**

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

Declarations should be disclosed 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.

### **Part B – Planning Applications**

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

4. **W/13/0464 & W/14/1322 – Land at Earl Rivers Avenue / adj Gallagher House, Gallagher Way, Warwick** (Pages 1 to 2)  
**\*Major Application\***
5. **W/22/0140 – Warwick Castle, Castle Hill, Warwick** (Pages 1 to 29)  
**\*Major Application\***
6. **W/21/0410 – 62 Leam Terrace, Royal Leamington Spa** (Pages 1 to 9)
7. **W/21/2185 – Offa House, Village Street, Offchurch** (Pages 1 to 27)
8. **W/21/2267 - Keepers Cottage, Church Road, Honiley** (Pages 1 to 7)
9. **W/22/0194 LB - 22 Augusta Place, Royal Leamington Spa** (Pages 1 to 3)

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 the Council's Public Speaking Procedure, members of the public can address the Planning Committee meeting remotely by joining the remote meeting through their personal device on any of the planning applications or Tree Preservation Order reports being put before the Committee. If you wish to do so, please register online at [Speaking at Planning Committee](#) any time after the publication of this agenda, but **before 10.00am** on the working day before the day of the meeting and you will be advised of the procedure.
- (d) please note that the running order for the meeting may be different to that published above, in order to accommodate items where members of the public have registered to address the Committee.
- (e) occasionally, items are withdrawn from the agenda after it has been published. In this instance, it is not always possible to notify all parties interested in the application. However, if this does occur, a note will be placed on the agenda via the Council's website, and where possible, the applicant and all registered speakers (where applicable) will be notified.

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

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456114

**Planning Committee:** 26 April 2022

**Item Number:** 4

**Application No:** [W 13 / 0464 & W 14 / 1322](#)

**Town/Parish Council:** Warwick

**Case Officer:** Rob Young

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

**Land at Earl Rivers Avenue / adj Gallagher House, Gallagher Way,  
Warwick, CV34 6AF**

Variation of Section 106 Agreement for planning permission ref: W/13/0464 &  
W/14/1322 - Erection of a Continuing Care Retirement Community

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**INTRODUCTION**

This report relates to the above outline planning permission. That permission was subject to a Section 106 Agreement which imposed a range of obligations on the developer. The applicant has requested that the provisions of the section 106 agreement are varied.

**RECOMMENDATION**

Planning Committee are recommended to delegate authority to the Head of Development Services to vary the Section 106 agreement in relation to the tenure of affordable housing as set out below.

**DETAILS OF THE VARIATION**

The applicant has requested that the tenure mix for the affordable housing be amended. The current tenure mix is as follows:

- 5 rented units
- 19 shared ownership units

The proposed tenure mix is as follows:

- 16 discounted market sales or affordable rented units (at 75% of their market value)
- 8 shared ownership units

The overall amount of affordable housing remains the same, at 24 units. The changes are to the tenure mix within that 24.

It is also proposed that the units will be subject to a 3 month marketing period to those with a local connection and who are in housing need, after which the units will be offered to anybody in housing need (subject to meeting the Qualifying Person definition as set out in the existing agreement).

The change is proposed because the developer has been unable to secure occupation of the units for the approved tenures. To date, 8 of the shared ownership units have been sold, but none of the rented units have been occupied. The units in phase 1 (12 no.) have been marketed since 2016, whilst the remaining units in phase 3 (12 no.) are nearing completion.

### **ASSESSMENT**

The Council's Housing Strategy team have reviewed the proposed changes. They advise that there is a lot of detail and helpful background information contained within the request which clearly demonstrates that this is a well thought through and carefully considered proposal. They confirm that the proposed tenure is a form of affordable housing as defined in the NPPF. Therefore, as it has not been possible to secure occupation of the units for the approved tenures, they have no objection to the proposed change.

### **SUMMARY / CONCLUSION**

For the above reasons it has been concluded that the proposed change to the section 106 agreement is acceptable. The revised proposals will continue to make suitable provision for affordable housing in accordance with Local Plan Policy H2. Therefore the section 106 agreement should be amended as requested.

**Application No:** [W 22 / 0140](#)

**Town/Parish Council:** Warwick

**Case Officer:** Lucy Hammond

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

**Registration Date:** 27/01/22

**Expiry Date:** 28/04/22

**Warwick Castle, Castle Hill, Warwick, CV34 4QX**

Erection of hotel at Stratford Road car park; extension to existing restaurant at Knight's Village and new decked areas; elevated walkway; landscaping works including at Leafields; outdoor play area and associated infrastructure works.

FOR Merlin Attractions Operations Ltd

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

**RECOMMENDATION**

That, subject to the completion of a Unilateral Undertaking, planning permission be granted subject to the conditions listed at the end of this report.

**DETAILS OF THE DEVELOPMENT**

Planning permission is sought to erect a 60-bed hotel on part of Bays 9/10 of the Stratford Road Car Park together with an extension of the Knight's Village restaurant to provide additional covers and decked terraces for outdoor dining. An elevated walkway is also proposed which would connect the hotel with the restaurant. Areas of additional landscaping and other associated infrastructure is also proposed.

A summary of the key points of the proposal are set out below:-

Hotel proposals

- A 60-bed hotel is proposed which has been kept to the minimum footprint necessary by making use of the existing facilities and services at Knights Village (i.e. using the restaurant which means the hotel does not need to include dining facilities)
- The proposed footprint would be 1,067 sq.m. and the building would be two storeys, with a lower ground floor visible only from the west and south facing elevations
- The design is proposed to tie in with the Knight's Village, proposing a medieval themed rough cast render with timber cladding and timber shingle roof tiles
- The maximum ridge heights of the hotel would be 9.2m at the northern end (closest to properties in Stuart Close) and 12.3m at the southern end, where the land slopes and a lower ground floor would be incorporated

- An elevated walkway is proposed to link the hotel from the southern end to the Knight's Village Restaurant
- The walkway would be a lightweight steel construction clad in stained timber to match the existing walkways on site

#### Extension to Knight's Village Restaurant

- An extension to the restaurant is proposed, intended to increase the capacity for inside dining, relocation of the toilets, provide a bar area and introduce improved staff changing/storage areas
- The extension would increase the width of the restaurant from 25.5m to 31m and would provide an additional forward projecting gable to the east facing elevation of 12m deep
- A flat roof extension to the rear (on the west facing elevation) is proposed to relocate plant currently stored externally, inside, as well as provide additional storage
- External decked areas to the south and east sides are proposed to provide additional outdoor seating

#### Outdoor play area

- There is a zone to the south of the restaurant where a play area is proposed
- This is proposed to include lower level climbing equipment and adventure play, ranging in heights between 0.6m and 3m
- The tallest feature would be the central tower slide feature standing at 3.8m in height
- High quality and natural materials would be used to assist with assimilation into the landscape
- No perimeter fencing or lighting would be included in this element of the proposals

#### Other

- Access would remain as per the existing situation, i.e. via the Stratford Road entrance and Castle Park Drive
- The proposals include the retention of most trees including all high quality trees
- New indigenous tree planting and thematic shrub planting would be introduced in front of the hotel, around the service area and to the west boundary
- Extensive planting is proposed within the land at Leafields to achieve biodiversity net gain

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

The application site totals 1.87ha and is located to the south of the Castle grounds, approximately 410 metres from the Castle. It lies within the Grade I Registered Park and Garden (RPG) and the Warwick Conservation Area and the wider setting contains the Grade I listed Castle, a Scheduled Ancient Monument.

The application site for the proposed development put forward in this application is split into two separate parcels of land, both edged red on the submitted site location plan. The first, is the site of the proposed hotel, which would cover part

of Bays 9/10 of the Stratford Road Car Park together with land to the south of the existing Knight's Village restaurant and land in between.

Bays 9/10 comprise a tarmac car park, accessed via the Castle entry off Stratford Road to the west. Land around Bays 9/10 and to the south of the Knight's Village restaurant is managed grassland with structural landscaping and tree planting. Trees make a significant contribution to the site, the RPG and the Warwick Conservation Area. Trees are well managed and are generally in good condition, although typically the ash trees are showing signs of Ash Dieback. A group TPO covers an area to the south of the proposed hotel site.

Saltisford Brook runs west to east to the south of Bays 9/10 and meets the River Avon, approximately 125m to the east. An 8m exclusion zone must be retained around the brook for the Environment Agency to conduct routine maintenance when required. Most of the application site is within Flood Zone 1 (low probability of flooding) while land alongside Saltisford Brook is within Flood Zones 2 and 3.

Levels generally slope downwards across the site north to south. The Knight's Village restaurant is raised above existing ground level.

The nearest residential dwellings are those in Stuart Close to the west. At the closest point, these are between approximately 43m and 50m away (when measured from the nearest corners of the proposed hotel building) and are separated from the site by a landscape buffer.

The second red line site area relates to a strip of land that wraps around the north and west boundaries of Leafields which is currently pastureland. To the north and west of this part of the site are existing dense woodland belts; The Lilacs lies to the west while further woodland to the north separates the site from the Knight's Village. This is entirely within Flood Zone 1.

## **PLANNING HISTORY**

While there is extensive planning history within the wider Castle site, including near to the application site, only the records of direct relevance to the site and its immediate surroundings have been summarised below.

W/17/1485 - Proposed use of land as a temporary medieval glamorous camping site for approximately 5 months between 1st May and 30th September each year up to and including 2022 at Foxes Study, Warwick Castle - Granted

W/15/1203 - Erection of 16 permanent semi-detached lodges (32 units) providing visitor accommodation, a facilities building (including, but not limited to reception, restaurant, kitchen and toilets), a sub-station, boardwalks, re-alignment of the existing perimeter footpath, part widening of the existing internal access road, lighting, boundary treatment, landscaping works and associated infrastructure works (including surface water drainage) – Granted



W/14/1809 - Proposed use of land as a temporary medieval glamorous camping site for approximately 5 months between 1st May and 30th September each year up to and including 2017 at Foxes Study, Warwick Castle - Granted

W/13/1781 - Proposed use of land as a temporary medieval glamorous camping site for approximately 5 months between 17th May 2014 and 9th September 2014 only at Foxes Study, Warwick Castle – Granted

## **RELEVANT POLICIES**

- National Planning Policy Framework

### **Warwick District Local Plan 2011-2029**

- PC0 - Prosperous Communities
- BE1 - Layout and Design
- BE3 - Amenity
- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- HE4 - Archaeology
- CT6 - Warwick Castle and St Mary's Lands, Warwick
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape

### **Guidance Documents**

- Air Quality & Planning Supplementary Planning Document (January 2019)
- Parking Standards (Supplementary Planning Document- June 2018)
- Open Space (Supplementary Planning Document - April 2019)

## **SUMMARY OF REPRESENTATIONS**

**Warwick Town Council:** Support for the following reasons:

- The design has been sensitively thought through
- Historic England, Conservation and Ecology comments have all been considered
- There is a lack of accommodation in Warwick
- The proposal is positive for the future of the Castle and the town

**Ward Councillor Bartlett:**

"As declared in my disclosable pecuniary interests I am an employee of Warwick Castle. For total transparency I am a member of their senior leadership team but given the sensitivities of this application I have excluded myself from any consultations or public engagements. Equally I have referred all ward resident enquiries to Cllr Ashford."

**Historic England:** The proposal would lead to 'less than substantial harm' and recommends the planning authority ensures there is a clear and convincing

justification for the proposals and sufficient public benefit to outweigh the harm identified. The original plans for tree planting proposed in the biodiversity net gain area at Leafields have been reconsidered in light of original concerns raised and the revised landscape plans have now addressed the comments previously made.

**WDC Conservation:** No objection; while the proposals amount to 'less than substantial harm', there is a clear justification and business case which satisfactorily outlines a range of public benefits such that the development accords with both national and local policy.

**WCC Landscape:** Comments regarding the methodology applied in providing viewpoints and assessing the landscape and visual impacts, reiterating the sensitivity of the landscape setting, however, if Historic England is satisfied there are no significant adverse landscape impacts, then no further objection is made. Comments also made regarding the types of planting proposed, acknowledging that revised plans now illustrate more suitable species and noting that the play area intends to retain all trees and incorporate measures to protect tree roots.

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

**Open Space:** No objection to the principle of development; some comments made in respect of planting species, materials for footpaths, details of play area etc.

**The Gardens Trust:** Objection; Foxes Study should be afforded greater significance than it is given in the submitted Heritage Statement and other supporting information. The hotel constitutes further unwelcome expansion within this sensitive and aesthetically significant area of the historic designed landscape. In the event the development is considered less than substantial harm the extent to which the public benefits outweigh this harm is questioned.

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

**Natural England:** No comments to make

**WCC Highways:** No objection

**Health & Community Protection – Environmental Sustainability:** No objection, subject to conditions relating to construction management plan, noise, EV charging points and lighting.

**LLFA:** Objection due to insufficient information (at the time of writing this report) [Officer note – this has been discussed further with the LLFA and a Technical Note setting out a suitable drainage strategy is expected by 15<sup>th</sup> April (after the completion of this report) which would result in the need for a pre-commencement condition securing the detailed design. This approach has been initially agreed by the LLFA so subject to the receipt of the Technical Note and confirmation of no objection from the LLFA this would ensure suitable drainage proposals for the development.]

**Environment Agency:** No objection subject to condition

**WCC Archaeology:** No objection subject to condition

**Public Response:**

91 objections (including a number of duplicate comments from the same individuals and not all of whom are local residents) received raising the following concerns:

- There is a danger of overdevelopment of the site
- The proposal would be out of keeping with the surrounding area
- It would impact on important views
- There would be a direct impact on the historic Castle and its setting
- Such development poses a threat to biodiversity
- There would be a threat to protected species
- Harmful impact on trees
- Impact on residential amenity
- Concerns about noise and light pollution
- Concern about construction noise and associated impacts to neighbours
- Potential for increased noise from delivery vehicles to the hotel
- This development would lead to an increase in traffic in the town
- The hotel results in a loss of parking
- There would be insufficient parking for the hotel
- There would be insufficient EV charging points
- The proposals would be detrimental to pedestrian safety
- This would have a negative impact on local businesses

Other non-material considerations made, including:

- Notification process / publicity of the application
- Lack of local engagement from the Castle
- There is no need for this hotel
- Why haven't alternative sites for a hotel been considered?
- What implications might the approval of this scheme have on future plans; i.e. further development or enlargement of the hotel?
- References to the Ward Councillor's position at the castle and whether there is a conflict of interest

Other comments made based on incorrect information/misunderstanding of the proposals, including:

- The hotel will be 60m in height [officer note – this is incorrect; design and size is covered in the report]

Other objections received from:-

Conservation Advisory Forum (CAF)

- Objection for the following reasons: There is significant concern that the anticipated economic benefits for Warwick would not materialise nor would they justify the substantial, potential harm
- Convincing justification of the public benefits is considered to be lacking
- The visual design is lacking in innovation

- This would be the first visible building when entering the site from the Stratford Road entrance; the massing and design could undermine perceptions of the historic value of the wider surroundings of the site
- the current proposals are considered detrimental to the significance of the Registered Park and Garden and setting of Warwick Castle

12 support comments received (including from the Warwick Chamber of Trade) raising the following matters:

- The hotel would provide full time and part time employment for local people
- Guests would be within walking distance of the services and attractions in the town centre
- Sustainable developments such as this should be supported as they are vital to a town like Warwick
- The Castle brings tourism to the town; local people should embrace what it offers the town and the money it brings to restaurants and coffee shops
- The hotel would have very little visual impact on the area and will benefit the community
- The owners of the Castle invest substantially not only in generating visitors but also in the upkeep and preservation of the building
- A scheme such as this would continue to deliver vital revenue for future investment
- The Castle is a major contributor to the economy of the town which is a major tourist destination but there is a shortage of hotel accommodation which this would help to address
- The proposals appear well considered and sensitive to the surroundings
- The opportunities this development would create for local people, local businesses and the halo effect this will cause from the increase in demand for visitors travelling and staying in the Warwick area is a positive and much needed injection to the future of the local economy

## **ASSESSMENT**

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

- The principle of development including the impact on the heritage assets;
- Design and visual impact;
- Impact on residential amenity (including impacts from noise);
- Access, highway safety and parking;
- Trees and landscaping;
- Ecology and biodiversity net gain;
- Archaeology;
- Drainage and flood risk; and
- Climate change and sustainability, including BREEAM.

### **Principle of development (including the impact on Heritage Assets)**

#### **National and Local Policies**

Policy CT2 of the Local Plan refers to new hotels in the town centres or elsewhere within urban areas where it can be demonstrated that the development is easily

accessible using sustainable forms of transport such as walking, cycling and public transport. While this is a relevant policy, officers consider it is not applicable in its strictest sense given the proposed hotel is intended to support the Castle and accommodate day trip visitors who are there already, as opposed to it being more of a destination hotel. While policy CT4 refers to extensions to tourism, cultural or leisure facilities, this is specifically in rural areas so is also not considered strictly applicable as the location of the Castle is not considered to be rural.

While it is not required by the policy given the location of the proposal, an assessment of alternative sites has been undertaken by the applicants and appended to the submitted Planning Statement. This demonstrates a lack of sequentially preferable alternative sites within the catchment of Warwick Castle that could accommodate a hotel to serve it. No town centre or edge of centre sites within a 5km radius of the Castle are considered suitable or available to accommodate the proposed development. Previous conversion options have also failed largely due to heritage constraints hindering the ability to convert the building into family sized rooms which is critical to the success of a Castle related hotel.

Overall, officers are content that the development accords with the aforementioned policies insofar as they are relevant to the particular and quite unique circumstances applicable to this proposal.

Policy CT6 of the Local Plan is the most relevant principle policy as this relates specifically to Warwick Castle (and St Mary's Lands) and states that development at the Castle will be permitted where it is brought forward in line with an approved Masterplan setting out the development principles and broad areas for development, indicating the type of uses proposed and a Conservation Plan for the historic asset. The Masterplan will provide the framework within which planning applications will be determined and will:

- a) Identify the physical and economic context;
- b) Identify the development principles to underpin future development proposals;
- c) Identify the significance of heritage assets within the vicinity, setting out how these will be sustained and enhanced;
- d) Identify the location of developments, demonstrating how proposals will relate to the heritage assets and how they will enhance the positive contribution the asset makes to sustainable communities and to the character and distinctiveness of the area; and
- e) Identify how the proposals support the vitality and viability of the local economy.

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

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning

authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, "In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

The NPPF paragraph 190 states that the wider social, cultural, economic and environmental benefits that the conservation of the historic environment can bring should be taken into account and paragraph 197 recognises the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; and the positive contribution that conservation of heritage assets can make to sustainable communities, including their economic vitality.

The NPPF paragraph 199 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. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Substantial harm or loss to heritage assets of the highest significance, including Grade 1 Listed Buildings and Grade 1 Registered Parks and Gardens, should be wholly exceptional. Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Local Plan Policy HE1 reiterates the principles of the Framework, stating that development will not be permitted if it would lead to substantial harm or total loss of the significance of a designated heritage asset, unless it is demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or where certain criteria set out within the policy have been demonstrated. Where development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposals, including securing the optimum viable use.

While Policy HE4 'Protecting Historic Parks and Gardens' was deleted from the New Local Plan by the Inspector, some of the text has been carried forward in the explanatory text of Policy HE2 (Conservation Areas) and states that Historic Parks and Gardens are an important cultural, historical and environmental asset within the District and the Council wishes to ensure they are protected, maintained and restored.

### Warwick Castle Masterplan

A final draft of the Warwick Castle Masterplan was submitted to the Council in December 2019 following a public consultation undertaken by the Castle and addressing comments from officers. Section 7 of the Masterplan which relates to

the concept and guiding principles of development was endorsed by the Executive Committee in February 2020.

Within the Masterplan, 'accommodation options' are identified as No.8 on the illustrative map which highlights the various upcoming proposals and projects, ranging across heritage restoration works, visitor experiences and operational infrastructure. The hotel falls within the category of visitor experiences.

The Masterplan considers accommodation in the round, stating that the diversification of visitor attractions by providing on-site accommodation is well established in many locations. Given the existing accommodation at the Castle (in the form of medieval themed glamping) has proved successful and attracted visitors to stay, the Castle has given consideration to whether additional accommodation, in a different form, may encourage more visitors to stay on site.

The Masterplan considers a hotel with around 60-80 rooms in an appropriate location, with such an appropriate location being Bay 10 of the Stratford Road car park. It considers the significance of the relevant heritage assets, an assessment of the likely impacts and lists some key development/design principles. With respect to the latter, should development come forward around Bay 10, it is noted that a building that remains lower than the tree line and that preserves the significance of the historic landscape could be achieved, acknowledging that careful consideration would need to be given to trees and ecology as well as the need for possible additional planting.

### The Heritage Assets

Warwick Castle Park is a heritage asset of the highest significance. It is the only historic park and garden within Warwick District to be included on the national Register of Parks and Gardens (RPG) at Grade I. The Park provides the immediate setting for the Grade I Listed (and part Scheduled Ancient Monument) Warwick Castle. Both the Castle and the Park are located within the Warwick Conservation Area.

The setting of the Castle includes the River Avon to the east, south and south-west, and the long ranging views of the wider landscape from the Mound which, historically, offered the greatest vantage point across the land as part of the Castle's defensive system. Beyond the immediate Park and Garden the countryside is visible in the distance. The setting contributes greatly to the significance of the Castle by illustrating the commanding position of the fortification over the surrounding town and countryside.

The site of the proposed hotel (Bays 9 + 10 of the Stratford Road car park) is approximately 400m southwest of Warwick Castle and sits north of the Knight's Village seasonal glamping site and restaurant building (the latter being a permanent feature). This is within the northern part of Foxes Study wooded area and the hotel would be located within a former woodland belt immediately north of Foxes Study. These areas were planted between 1786 and 1806 to provide screening from Castle Park to the wider area, creating a sense of extensive landscape setting however in 1981, much of this woodland belt was tarmacked to provide car parking for Castle visitors. It does benefit however from visual

concealment from the remainder of Castle Park and the listed buildings within it by the surviving woodland belt at the western boundary of Pageant Field which provides a solid edge to the Castle grounds.

#### The impact on the Heritage Assets including mitigation

The proposal involves the erection of a 60-bed hotel on Bays 9/10 of the car park, an elevated walkway connecting it from its southern end to the existing Knight's Village Restaurant and an extension to the restaurant building, together with a play area to the south of the restaurant.

The submitted supporting information from the applicant considers the potential effects of the proposal on the significance of the following assets: Warwick Conservation Area, Warwick Castle Registered Park & Garden (Grade I), Warwick Castle (Grade I and Scheduled Monument), Conservatory (Grade II\*) and a portion of boundary wall abutting the west part of Castle Lane (Grade II). Through a comprehensive assessment within the submitted Heritage Statement as well as revised landscaping plans and additional details about the play area which were submitted during the course of the application, the applicants conclude that the proposals would preserve the significance of the RPG, Conservation Area and the surrounding listed buildings and therefore accords with the relevant statutory and policy considerations. Nonetheless they have also set out a list of what should be considered as the public benefits associated with the proposals which should be given weight in determining the application.

The proposals have also been comprehensively considered by Historic England, the Conservation Officer, the Gardens Trust and the County Landscape Officer. The original comments from these consultees prompted the submission of some revised landscaping plans together with additional detail to clarify the extent of the play area and the type and scale of equipment proposed within it.

Historic England, consistently throughout their consultation responses has advised the proposals for a new hotel, the extension to Knight's Village Restaurant and the new landscaping have been located and designed to minimise heritage impact. They are satisfied that the proposed screening, combined with the proposed height and massing of the building, will ensure that the hotel is not visible from outside of the car park including in key designed views and in addition, they are content with the materials and overall design of the hotel which have been chosen to co-ordinate with the existing Knight's Village development. They do note however that the introduction of a new building will further erode the separation between the town and the designed landscape of the park as well as the integrity of the RPG. It is concluded however that this degree of harm amounts to 'less than substantial' (to the significance of the RPG) and recommends that the local authority conservation officer should be satisfied that there is a clear and convincing justification for the proposals and sufficient public benefits to outweigh the level of harm identified.

In response to the proposed biodiversity net gain area which adjoins the site of the Leafields overflow car park, a number of new trees were originally shown in the 20m buffer zone to the east of The Lilacs which Historic England raised some concern over. From a historic landscape point of view this would have altered the



boundary of the woodland resulting in some loss of the integrity of the historic layout of the registered park in this area. This in turn also would have amounted to 'less than substantial harm' however revised landscaping plans have been submitted which show a reduced number of new trees being planted in this area. This is in line with the recommendations of Historic England who has raised no objection and it is noted that these works, albeit of a reduced scale, still ensure the appropriate amount of biodiversity net gain (covered later in the report).

The Conservation Officer raised no objection to the development. Foxes Study has historically seen very little built form (with the exception of the recent Knights Village) and a considerable area of the grounds to the southwest of the Castle is now intended to be for the purpose of visitor accommodation. It is inevitable that some form of harm to the significance of the Grade I RPG and the wider setting of the Castle will be caused, however, due to the current contribution the site makes to the significance of the RPG and the setting of Warwick Castle, this harm is considered to be less than substantial.

In accordance with the recommendations of Historic England and the relevant tests set out in the NPPF officers consider there is a clear justification presented for this development in the accompanying information submitted with the application. This is considered in further detail under the following heading of this report which looks specifically at the public benefits necessary to outweigh the level of harm identified.

In response to some points of clarification sought by the conservation officer and by way of proposing mitigating factors to further minimise the impacts of the development, the list below provides a summary of the proposals as revised together with mitigation where possible and clarification over the proposals:-

- The use of the nearby land for glamping has a temporary seasonal use which is due to expire at the end of the season 2022 (September 30<sup>th</sup>) – it is confirmed that the Castle will be seeking to extend the current permission because it forms an important part of the accommodation offer and provides economic/heritage benefits;
- It is noted however that the reduction in the number of pitches or the removal of this aspect of the accommodation altogether is not something on which the response of 'no objection' from the conservation officer is dependent; the positive response received is based on this use still being in place;
- The previous permission for the glamping site included an additional lodge (lodge 09) which has never been built. It is now proposed that the site of the play area would be located in the same area rendering lodge 09 unable to be built in the future;
- Lodge 12 has also never been built and while just outside the red line site area for this application would sit just to the south of the proposed play area. With both of these lodges being rescinded, this would make a significant contribution to a reduction in the overall volume of structures;
- A Unilateral Undertaking is the mechanism through which to secure these two lodges are rescinded from the earlier permission which would ensure

they cannot be built at a later stage (though part of these current proposals would physically prohibit the construction of lodge 09);

- Set-backs on the hotel building would be one way to reduce the perceived mass, as suggested by the conservation officer. However, to do so would result in the loss of bedrooms and push the development further back into the root protection zones which would result in the loss of trees. Instead, detailing has been added to the elevations to add depth and visual interest;
- The above point includes darker stained timber detailing to the cladding, a pronounced overhang at roof level, a change between roughcast render at low level and stained timber cladding at high level and windows with deep set reveals.

The above, together with further details which have since been submitted of the play area, which indicates maximum heights and overall parameters within which the play area and equipment would be fixed, has resulted in an overall 'no objection' from the conservation officer who has confirmed the proposals comply with paragraphs 200 and 202 of the NPPF, as well as HE1 and CT6 of the Local Plan.

#### Public benefits

Officers consider that the scale of development, mostly resulting from the introduction of new built form into the area of the car park, would inevitably result in some level of harm, albeit that level of harm is considered to amount to 'less than substantial'. In accordance with the tests set out in the NPPF this means the public benefits of the proposal must be considered and weighed against the level of harm to establish whether or not the harm is outweighed.

Within the supporting information provided by the applicant there is a document entitled 'Economic Impact and Business Case' which outlines a range of public benefits associated with the proposal. By way of a summary, this includes an additional estimated annual spend of £1.9 – 2.6 million by visitors into the local economy, the creation of 29no. jobs and a further £1.1 million GVA (direct and indirect p.a.), with an additional 16 supply chain roles (indirect/induced jobs).

To add to the above, the Economic Impact and Business Case document considers the construction impacts and advises that the development can be expected to support 123 direct FTE jobs over the construction phase and that during the construction phase, local suppliers and contractors will be used extensively further supporting employment and the economy of the region. It also considers the indirect and induced employment that will likely arise from the construction phase and anticipates the development could support an additional 137 spin-off FTE jobs annually over the construction phase. While it is acknowledged these would be distributed across the UK economy, it is expected that businesses within Warwick District would benefit from trade linkages established during the construction phase of the development scheme.

The document considers in detail, direct and indirect employment (summarised above) the economic output and additional expenditure. The latter draws on data from Visit England which identifies the economic impact of day visits and overnight tourism to Warwick District, and it uses this data to calculate the economic impact

of the proposed hotel. As a final point, it stands to reason that the additional spending on the Castle site will also sustain the viability of the operations and will support ongoing maintenance and enhancement projects.

In conclusion, the document demonstrates that the proposed development represents a significant new capital investment in the area which would help to increase Warwick's hotel capacity and enhance the profile of Warwick's tourism sector. Cumulatively, these factors are afforded considerable weight in the overall determination.

In addition to the above figures and other facts reported in the aforementioned document, the scheme also supports Warwick's economic recovery from the global pandemic via additional overnight stays and increased visitor spend locally. The additional revenue generated by the proposal contributes towards the Castle's 10-year restoration plan, in addition to future projects identified including south front windows repairs, works to the chapel, major masonry repairs to north and east curtain wall and works to stables, boundary walls and lead roof replacement. All of this combined is considered to amount to the required public benefits necessary to outweigh the less than substantial harm identified to the heritage assets (principally the setting of the RPG).

As a final point, the contribution that the Castle makes to the economy of the town and region is significant and the benefits of the development in terms of supporting the Castle in its function as a major tourist attraction for the town (and region) is a material consideration in the assessment of the scheme. The NPPF paragraph 190 states that the wider social, cultural, economic and environmental benefits that the conservation of the historic environment can bring should be taken into account and paragraph 197 recognises the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; and the positive contribution that conservation of heritage assets can make to sustainable communities, including their economic vitality.

#### Conclusion on principle of development / heritage assets and impact / public benefits

Overall, officers are satisfied that the development is acceptable in principle having regard to Policy CT6 and the Masterplan. In addition, the impacts on the relevant heritage assets, taking into account all the consultation responses with specific regard to the heritage and historic landscape matters as well as the amendments that have been made in respect of tree planting and other landscaping matters, are considered to amount in a degree of harm considered to amount to 'less than substantial harm'. Accordingly, the public benefits arising from these proposals have been considered and officers are satisfied that in this particular instance, a sufficiently clear and convincing argument has been demonstrated which outweighs the degree of harm identified.

Notwithstanding the above, any forthcoming permission would still be subject to a Unilateral Undertaking to secure the rescinding of lodges 09 and 12 which formed part of the earlier planning permission for Knights Village.

In considering the objection from the Gardens Trust, officers have had regard to the fact that in their opinion Foxes Study should be afforded greater significance that it has been given in the applicant's Heritage Statement. Notwithstanding this, Historic England and the Conservation Officer have not disagreed with the content and overall conclusions drawn from the applicant's supporting information in this particular regard. While the claim that the hotel would constitute further unwelcome expansion in this sensitive area of the historic landscape is not dissimilar, in principle, with the comments from Historic England about further erosion of the separation between the town and the designed landscape of the park, there is disagreement between the Gardens Trust who do not consider a sufficient justification and business case has been put forward, while it is the expert opinion of the Conservation Officer that sufficient justification has been demonstrated.

Overall, officers are satisfied that the principle of development is acceptable as set out above and the impacts on heritage assets is also considered acceptable in light of the examination of the public benefits which are considered to outweigh the harm identified. The proposals therefore accord with Policies CT6 and HE1 of the Local Plan, paragraphs 199, 200 and 202 of the NPPF.

In making this assessment, officers have had regard to the weight that should be given to the desirability of preserving the special interest and setting of the heritage assets.

### **Design and visual impact**

The design of the hotel has been covered in the context of its heritage impacts. However, for the avoidance of doubt, it is noted that the hotel building would have a maximum ridge height (at its tallest three storey height) of 12.2 metres while the two storey end (nearest to the properties in Stuart Close) would have a ridge height of 9.1 metres.

The building has been designed to echo the existing Knight's Village Restaurant building; it would be hipped with timber framing detail to replicate the same medieval design principles of the existing Knight's Village. The proposed materials for the structure are consistent with the existing timber lodges within Foxes Study and would incorporate rough cast render to the base of the building with waney edge shiplap timber boarding to the upper floors and period style casement windows to match Knight's Village. The roof would be covered in cedar shingle which also matches Knight's Village.

Plans for the extension to the restaurant building are the same so the finished building would appear aesthetically the same as existing. The elevated walkway which would connect the hotel to the restaurant would also match the finished appearance of the existing walkways and would have a timber finish.

Conditions would be required of material samples for all built elements of the proposals together with large scale details. Additionally, while sufficient details of the play area have been submitted thus far, demonstrating that the parameters, overall scale and maximum dimensions proposed would not have a detrimental

impact, a condition requiring the final details of the play equipment proposed is recommended to ensure that the finished appearance is in keeping with and appropriate to the surrounding setting and historic landscape sensitivities.

Overall, officers are satisfied that the development would be acceptable in visual terms and therefore consider it accords with Policy BE1 of the Local Plan.

### **Impact on residential amenity**

The properties in Stuart Close would be the nearest to the site of the proposed hotel and the extension to the restaurant. In terms of the restaurant extension, it is noted that the nearest property in Stuart Close is approximately 65m from the north facing elevation of the existing restaurant building. The proposed extension would be at its southern end and therefore further away from the neighbouring properties. Officers therefore do not consider the proposed extension to the restaurant would result in any physical harm to neighbouring amenity by reason of overbearing, loss of light or loss of privacy.

The proposed hotel would be closer, located at its nearest points between 43m and 60m from Nos. 6 - 30 Stuart Close (these measurements are between the rear elevations of neighbouring properties and the corner points of the hotel due its orientation). The minimum distance separation between two storey buildings where the upper floors contain only bedrooms is 22m. The proposed hotel is two storeys at its northern end (closest to neighbours) but due to the levels difference across the site, would increase to three storeys at its southern end. For the avoidance of doubt, officers have applied the distance separation guidelines which relate to three storey to two storey buildings. Since this is 32m and the closest distance between a property and the corner of the hotel is 43m, officers are satisfied there would be no material harm by reason of overbearing, loss of light or loss of privacy resulting from this proposal.

Added to the above is the orientation of the hotel which would be such that there would be no direct facing relationships between buildings. Instead, neighbours in Stuart Close would look towards an angled wall where only oblique views of windows would be afforded. Notwithstanding the proposed layout and resulting relationship between the new development and the nearest existing properties it is important to note that there is significant tree planting and other vegetation which creates a substantial buffer between the building and where there are some existing gaps, it is proposed to plant additional trees and other landscape features which would minimise any perception of bulk and mass or overlooking.

### **Impacts resulting from potential noise**

The Environmental Health Officer has considered all of the supporting documents and information submitted with the application and raised no objection to the proposals subject to a number of recommended conditions, some of which focus on noise impacts and suitable mitigation.

In order to minimise any adverse impacts on residential amenity during the construction phase a construction management plan will be required by condition. In order to minimise any adverse noise impacts arising from the proposed hotel

service yard at unsociable hours it is proposed to limit the hours between which deliveries or waste collections can take place. A maximum noise levels condition is proposed to ensure that any plant or equipment necessary to serve the development does not impact on residential amenity.

With respect to the more general concern from residents about the potential for noise and disturbance arising from the day-to-day operation of the hotel, it is deemed necessary and reasonable to require by condition the submission of a Noise Management Plan. This could include (but is not limited to) for example, arrangements for managing check in times and minimising arrivals at unsociable hours, the monitoring and supervision of customer behaviours, arrangements for both receiving and investigating as well as documenting any complaints from local residents and the provision of information to customers prior to arrival that will help reduce adverse impacts on amenity.

Having regard to all of the above, officers are satisfied that the proposal is acceptable in this regard and accords with Policies BE3 and NE5 of the Local Plan.

### **Access, highway safety and parking**

At the outset, it is important to note that this is not a typical application for a standalone hotel but rather an integral part of the tourist offer available at Warwick Castle. The way in which this is envisaged to operate is the hotel will offer overnight accommodation to those visitors to the Castle who are there already, rather than acting as a destination hotel. With that in mind, a Transport Statement together with other supporting information, some of which was subsequently sent at the request of the Highway Authority, clearly demonstrates this development is not anticipated to generate any additional car trips. It also demonstrates that guests are more likely to arrive/depart outside the typical peaks for the Castle (opening and closing times) and accordingly there should be no discernible difference in the number of vehicles accessing the site.

While there would be an uplift in staff numbers, this has been factored into the Transport Statement and other traffic data presented with the application. Ultimately, such trips would be unlikely to occur during peak hours beyond those which are already experienced.

Access arrangements remain as per the existing situation; the Castle entrance off Stratford Road which leads to Warwick Castle Drive would be unaltered and all visitors to the Castle, who may also be staying overnight at the hotel, would enter via these existing arrangements.

The Highway Authority raised some initial concern about associated vehicle movements within Warwick town but additional information was submitted to address and clarify these points. In consultation with the Transport Planning unit, the County Highway Authority has assessed all of the available information and concluded that the details provided are acceptable and that the impact of the development based on the identified trip generation is negligible. To that end, the proposals are considered to have no highway capacity or safety implications and the response is one of no objection.

With regard to deliveries, it is worth noting that large vehicles, including HGV's, already access the Castle grounds via Warwick Castle Drive to service the Knight's Village and when events are running. The service yard for the hotel is accessed off Castle Drive and it would be screened from residential properties by existing trees and new landscaping which would also provide an acoustic barrier. The bin store is within a fenced enclosure which would provide screening and noise mitigation. A condition is also recommended (as set out in the previous section of this report) which limits the hours of delivery and any other noise generating activities.

With respect to parking, the supporting information identifies that the proposed hotel would result in the loss of 65no. car parking spaces from the Stratford Road car park. To reiterate the basic premise of this application; this is not a standalone hotel intended as a destination in its own right. Its purpose is to support the Castle in the sense that it would cater to some of its visitors who are already there and wish to stay overnight.

With that in mind, it is officers' opinion that the adopted Parking Standards which require 1 space per bedroom does not strictly apply in the same way it would if a standalone hotel were being built elsewhere. In that sense car parking provision for the hotel or Castle visitors in general does not stop at the red line boundary and instead, the loss of parking spaces should be considered within the context of two considerations; one being the parking provision across the wider Castle grounds and at the overflow (Leafields) and additionally, the seasonal operation of the Castle which means that visitor numbers and consequently parking, varies significantly over the year.

In this context, officers are of the opinion that parking provision is sufficient to accommodate visitors to Warwick Castle and so mitigate against parking locally on residential streets and within the Town Centre where provision is limited. Moreover, since there will be no additional trip generation from the hotel on the basis that the guests staying overnight will already be travelling to the site as a day trip, there would be no materially greater demand on parking as a result of the hotel.

There is adequate parking provision across the existing car parks at the Castle, the need for which is not anticipated to increase as a result of the hotel for the reasons set out above. Accordingly officers are of the view that there would be sufficient parking for visitors to the Castle, including hotel guests, within the Stratford Road and Stables car parks with scope for additional parking at Leafields. Even taking into account hotel guests, the use of the new car park to the west of Leafields will continue to operate in the same way as the existing car park which is one of fluctuating capacity linked to seasonal use i.e. its maximum capacity will rarely be reached (only occasionally in summer when events are running) and in the winter months (generally from November to February), except for one off events, Leafields car park will not be used at all.

Within the red line boundary it is noted that the hotel would provide a total of 5no. accessible parking spaces close to the hotel entrance and 6no. EV charging spaces with infrastructure installed to provide more spaces in the future. There are also

5no. designated motorcycle spaces in the Stratford Road car park although motorcycles can use any of the car parking spaces at present and these spaces would serve the hotel.

Having regard to all of the above, officers consider that in these particular and quite unique set of circumstances there is little merit in focusing on the loss of a specific number of spaces to facilitate the hotel development given the level of parking provision across the Castle grounds in any case, particularly given visitors to the hotel will also be visitors to the Castle in any case. The key points are that there is sufficient on-site parking to accommodate visitors which negates detrimental off-site impacts and there would be no adverse impact on the highway network, as confirmed by the Highway Authority in conjunction with the Transport Planning Unit.

Officers are satisfied overall that the development would not be detrimental to matters of highway safety and therefore consider it accords with Policy TR1 of the Local Plan.

### **Trees and landscaping**

A Tree Survey, Impact Assessment, Arboricultural Method Statement and Tree Protection Plan have all been submitted with the application and considered by both the Tree Officer and the County Landscaper Officer. The survey identifies a total of 23 trees which would be lost, some of which are diseased and are expected to die within the next few years in any case; the remaining trees are not of exceptional merit. It is noted that two trees form part of the group TPO however both are diminutive and their contribution to the overall amenity is limited. The loss of these 23 trees is mitigated for however, on a one for one replacement basis through new trees being planted in the car park, close to the hotel. It is noted that there is scope to plant further trees over and above those shown on the landscaping plans, which would effectively fill gaps in the main car park and provide discreet parkland planting in the landscape buffer at Leafields. Mindful of the Council's tree planting ambitions across the District, the final details for this additional planting are to be secured by condition. Overall, the identified tree loss is mitigated for on a one for one basis and the additional planting would be over and above the requirement for replacement planting, representing another benefit of the proposals.

The Tree Officer is satisfied with the level of survey work and supporting information undertaken and submitted with this application. Having considered it, he confirms that the arboricultural information is thorough and clearly presented and accordingly concludes that there is no reason to suggest the development as proposed should not proceed on tree-related grounds. A condition is recommended requiring the measures set out in the submitted surveys and other documents are adopted and the development thereafter implemented in full accordance with such measures.

In terms of the general impact on the landscape, some initial concerns were expressed by the County Landscape Officer but in part the recommendations conflicted with the guidance and recommendations of Historic England and the



conservation officer. Given the sensitivity of the historic landscape, it is officers' opinion that the comments of both Historic England and the conservation officer should be fully satisfied with any other comments regarding specific planting species and from where viewpoints have been considered being addressed, wherever possible thereafter.

Accordingly, revised plans have been submitted, which primarily seek to address the recommendations of the heritage consultees, although it is noted that these revisions also include other details which go some way to addressing the comments of the Landscape Officer.

Officers are satisfied with the extent to which key viewpoints have been assessed in the submitted supporting information; three key viewpoints were agreed with Historic England and these are: localised within the Stratford Road car park, a view from within Pageant Field and the panoramic view from the top of Guys Tower. A number of possible options for the siting of the hotel were considered before the final layout was selected. This location is considered the preferred option in view of its localised impacts, which would be confined to the car park and Historic England confirm in their response that the proposals have been located and designed to minimise heritage impact.

Revised landscaping plan and planting proposals have been updated to reflect as much of the Landscape Officer's comments as possible, however, officers note that there are references remaining to the use of some exotic planting for example, because, while not native species, this would assimilate into the existing setting which already incorporates the use of some exotic planting. This point in particular was picked up by Historic England who advised that the use of some exotic planting was wholly appropriate given the surrounding context.

Lastly, the Open Space officer provided some comments about specific aspects of the proposals including the play area, elevated walkways, footpath materials and fencing. Additional information has been provided to clarify any questions previously had in this regard and officers are satisfied that there are no objections in this respect.

Overall, in light of all of the above, officers are satisfied the development accords with Policy NE4 of the Local Plan.

### **Ecology and biodiversity net gain**

In addition to proposed works within the red line site area for the hotel, a secondary site edged red accompanies these proposals which forms part of the overall application site and incorporates an area specifically reserved for works which would result in a biodiversity net gain as well as other mitigation measures.

An area of land to the north and west of Leafields (recently granted planning permission for use as the site of the relocated overflow car park from its existing use on land immediately to the east) measures 0.7ha and this forms part of the buffer zone to the approved overflow, creating even greater landscape buffers from the neighbouring properties to the west. These zones would be planted to consist of wildlife friendly, edge species, maintained at a maximum 1.2m height and

fronted by a managed wildflower rich grassland. In addition, six parkland trees are incorporated into this area, which, although representing a much lower number of trees than originally shown on the plans, is a direct result of the recommendations of Historic England who were concerned at the drastic change of character to the historic landscape that would result with more trees than this planted. The agreed number of trees is the compromise to satisfy Historic England's recommendations whilst still ensuring the required biodiversity net gain is achieved.

The County Ecologist has considered all supporting documents, survey work, revised landscaping plans and most recently the updated LEMP for the site and no objection has been raised subject to the imposition of conditions requiring the development to be undertaken in accordance with the approved documents as well as conditions requiring the submission of a CEMP and details of any lighting if and when such infrastructure is required.

Having regard to the above, the proposals are considered to accord with Policies NE2 and NE3 of the Local Plan.

### **Archaeology**

The proposed development lies within an area of significant archaeological potential. Based on the submitted information and consideration of their own records, the County Archaeologist has advised there is a potential for the proposed development to impact on archaeological remains dating from the prehistoric, Roman, medieval and later periods. No objection is raised in principle to the development however, but a condition is recommended which requires the submission of a Written Scheme of Investigation for a programme of archaeological evaluative work to be submitted and approved by the planning authority. Subject to the imposition of such a condition the development is considered acceptable in terms of its archaeological impacts and therefore accords with Policy HE4 of the Local Plan.

### **Drainage and flood risk**

The sites of the hotel, the restaurant extension and the biodiversity net gain area at Leafields are all within Flood Zone 1, where there is low risk of flooding. A Flood Risk Assessment (FRA) was submitted with the application.

Notwithstanding the objection from the LLFA at the time of writing this report, the drainage strategy has been discussed at some length between the applicants and the LLFA and the content of a subsequent Technical Note, including the recommended strategies for drainage at the site, has been agreed between both parties. This is expected to be submitted to the Local Planning Authority by 15<sup>th</sup> April which is just after the date by which this report will have been published.

Subject to the agreed measures being stipulated within the Technical Note and no objection being confirmed by the LLFA, officers are satisfied that a suitable drainage strategy can be implemented and accordingly it is expected that the development would accord with Policy FW1 of the Local Plan.

This matter will be reported via the committee updates.

### **Climate change and sustainability, including BREEAM**

Policy CC1 seeks all new development to be resilient to and adapt to the future impacts of climate change through the inclusion of measures to mitigate against rising temperatures and increased flood risk through sustainable construction measures and the incorporation of sustainable drainage methods.

Policy CC3 requires all non-residential development over 1000 sq.m. to achieve as a minimum BREEAM standard 'very good' unless it can be demonstrated that it is financially unviable or a suitable alternative sustainability target is proposed and agreed with the Council.

A BREEAM Pre-Assessment report has been submitted with the application which concludes that the predicted score would be 66% and the rating 'Very Good'. For context, the 'Very Good' rating is anything in excess of 55% with 'Excellent' being over 70%. The prediction for this development is therefore seen as realistic and something which can be achieved through measures such as:

- Designing a thermally comfortable and safe building
- Designing an energy efficient building
- Minimising water consumption with low flow and water saver fittings
- Minimising waste from the construction and the operation of the building
- Controlling pollution and implementing risk reducing measures

The Pre-Assessment report also states that while 66% is realistic and achievable, the design team will push to achieve an even higher performance if at all possible as the project is developed further.

In view of the above, officers therefore consider that the proposal accords with Policies CC1 and CC3.

In addition to the above, the standard condition requiring the provision of EV charging points can be imposed on any forthcoming permission to ensure compliance with Policy NE5 and the Air Quality SPD.

Compliance with Policy FW3 in terms of water efficiency is to be secured by condition.

### **SUMMARY / CONCLUSION**

The proposed development is considered to be acceptable in principle in accordance with Policy CT6 of the Local Plan as well as the relevant heritage policies, both nationally and locally. While the heritage impacts of the proposal are considered to amount to less than substantial, sufficient justification has been presented by the applicant which sets out a range of public benefits associated with the development and this is considered to outweigh the level of harm identified.

In other respects, the impact on heritage impacts has been minimised through revised landscaping plans and by supplying additional information in response to the comments from heritage and other consultees.

The overall design and layout of the proposals is considered acceptable subject to appropriate conditions and there would be no detriment to residential amenity. The development would not result in additional vehicle movements to/from the site, there would be no detriment to highway safety and the parking across the site for Castle visitors as well as hotel guests is considered acceptable. Landscaping matters are considered acceptable along with the proposed measures to safeguard ecology and protected species and a biodiversity net gain would be achieved as a result of the works proposed in the area to the north and west of the Leafields overflow car park. Archaeology and drainage matters are deemed acceptable and appropriate regard has been given to climate change and sustainability in view of the major scale of development which warrants a BREEAM pre-assessment report.

As set out in the report a Unilateral Undertaking will secure the rescinding of Lodges 09 and 12 which formed part of the earlier Knight's Village permission, one of which could not be built out in any case as it is on the site of the proposed play area that forms part of this application.

Subject to the satisfactory completion of the Unilateral Undertaking and the conditions listed at the end of this report it is therefore 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 drawings 1456\_500; 1456\_505; 1456\_506; 1456\_507; 1456\_508; 1456\_513; 1456\_514; 1456\_516; 1456\_518; 1456\_519; 1456\_520; 1456\_521; 1456\_522; 1456\_523; 1456\_524; 1456\_525; 1456\_526; 1456\_527 and 1456\_540, and specification contained therein, submitted on 28 January 2022, approved drawings 353/25\_1 Rev.A; 353/25\_2 Rev.A; 353/25\_3 Rev.A; 353/25\_4 Rev.A and PE0268, and specification contained therein, submitted on 24 March 2022, and approved drawing 1456\_536 Rev.A and specification contained therein, submitted on 7 April 2022. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 No works of demolition or construction shall be undertaken unless and until a construction management plan has been submitted to and approved in writing by the District Planning Authority. The construction

management plan shall include details of any temporary measures required to manage traffic during construction, plans and details for the turning and unloading and loading of vehicles within the site during construction, dust suppression, noise and vibration, demolition or clearance works, details of wheel washing, site working hours and delivery times, restrictions on burning and details of all temporary contractors buildings, plant and storage of materials associated with the development process. All works of demolition or construction shall be carried out in strict accordance with the approved construction management plan. **Reason:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029.

- 4 The development hereby permitted shall not be commenced unless and until a Design Stage Assessment by an accredited BREEAM assessor demonstrating how the development will be designed and constructed to achieve as a minimum BREEAM standard 'very good' (or any future national equivalent) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details. A Completion Stage Assessment by an accredited BREEAM assessor demonstrating that the development achieves as a minimum BREEAM standard 'very good' (or any future national equivalent) shall be submitted to the Local Planning Authority within 3 months of first occupation. **Reason:** To deliver reductions in carbon dioxide emissions, building running costs, energy consumption and water use in accordance with the provisions of Policy CC3 in the Warwick District Local Plan 2011-2029.
- 5 The development hereby permitted, including site clearance work, shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. In discharging this condition, the LPA expect to see details concerning pre-commencement checks for protected species (*badger, bats, breeding birds, reptiles, otters*) and appropriate working practices and safeguards for wildlife that are to be employed whilst works are taking place on site. This should include measures for the protection and avoidance of harm to the Saltisford Brook and the bankside 5m buffer both during and after construction. 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 the National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Policies NE2 and NE3 of the Warwick District Local Plan 2011-2029.
- 6 No development on each phase shall take place until:

- a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work has been submitted to and approved in writing by the Local Planning Authority for that phase.
- b) the programme of archaeological evaluative fieldwork and associated post-excavation analysis and report production detailed within the approved WSI has been undertaken for that phase. A report detailing the results of this fieldwork, and confirmation of the arrangements for the deposition of the archaeological archive, has been submitted to the planning authority.
- c) An Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) has been submitted to and approved in writing by the Local Planning Authority for that phase. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.

The development, and any archaeological fieldwork post-excavation analysis, publication of results and archive deposition detailed in the Mitigation Strategy document, 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 HE4 of the Warwick District Local Plan 2011-2029.

- 7 No development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality and to ensure an appropriate standard of design and appearance within the Conservation Area, in accordance with Policies BE1 and HE1 of the Warwick District Local Plan 2011-2029 respectively.
- 8 No development shall be carried out above slab level unless and until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in strict accordance with such approved details. **Reason:** To ensure an appropriate standard of design and appearance within the Conservation Area, within the setting of listed buildings and within this sensitive historic landscape, in accordance with Policy HE1 of the Warwick District Local Plan 2011-2029.

- 9 No development shall be carried out above slab level unless and until final details of the play equipment proposed within the play area have been submitted to and approved in writing by the Local Planning Authority. Details shall include final designs and elevational details of the play equipment to be installed, together with a specification of the proposed materials and finishes. The development shall thereafter be carried out in accordance with the approved details. **Reason:** To ensure an appropriate standard of design and appearance within the Conservation Area, within the setting of listed buildings and within this sensitive historic landscape, in accordance with Policy HE1 of the Warwick District Local Plan 2011-2029.
- 10 Prior to the commencement of any soft landscaping shown on the approved plans of the development hereby permitted, a strategy for the planting of additional trees within the locations shown on plans 353/25-7 and 353/25-8 shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include details of position, species, size and arrangements for planting and demonstrate that there would be no detrimental impact on the approved LEMP or the BIA metric. Thereafter the development shall be carried out in accordance with the approved strategy within the first planting season following the approval of details. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.
- 11 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 (including details of all external light fittings and external light columns and hours of operation) have first 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. In discharging this condition the Local Planning Authority expects lighting to be restricted around the watercourse, tree canopies and no lighting around potential bat roosts; and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats. This should include low level lighting along the elevated walkway in keeping with the existing walkways in the Knight's Village. This could be achieved in the following ways:
- Narrow spectrum lighting should be used to avoid the blue-white wavelengths
  - Lighting should be directed away from vegetated areas
  - Lighting should be shielded to avoid spillage onto vegetated areas
  - The brightness of lights should be as low as legally possible;
  - Lighting should be timed to provide some dark periods;
  - Connections to areas important for foraging should contain unlit stretches.

**Reason:** To ensure that any lighting is designed and operated so as not to detrimentally affect the amenities of the occupiers of nearby properties and to ensure that protected species are not harmed as a result of any lighting installed, in accordance with Policies BE3 and NE2 respectively of the Warwick District Local Plan 2011-2029 as well as the NPPF and ODPM Circular 2005/06

- 12 Prior to the first occupation of the development hereby permitted, a Noise Management Plan relating to the activities to be carried out pursuant to this planning permission shall be submitted to and approved in writing by the District Planning Authority. Once approved, the agreed Noise Management Plan shall be implemented and thereafter all activities taking place pursuant to this planning permission shall be carried out in accordance with its provisions. **Reason:** To protect the amenities of occupants of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.
- 13 Prior to the first occupation of the development hereby permitted, six 7kW (minimum) electric vehicle recharging points shall be installed. Once the electric vehicle recharging points have been installed, a technical data sheet for the electric vehicle recharging point infrastructure shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the electric vehicle recharging points shall be retained in accordance with the approved details and shall not be removed or altered in any way (unless being upgraded). **Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document.
- 14 Prior to the first occupation of the hotel hereby permitted, 15no. cycle parking spaces shall be provided in accordance with a detailed scheme which shall have first been submitted to and approved in writing by the Local Planning Authority. Thereafter those areas allocated for cycle parking shall be kept marked out and available for such use at all times. **Reason:** to ensure adequate cycle parking for the hotel in the interests of both highway safety and visual amenity in accordance with Policies BE1 and TR3 of the Warwick District Local Plan 2011-2029.
- 15 Prior to the commencement of the development hereby approved (including all preparatory work), the Keen Consultants Arboricultural Method Statement reference 1756-KC-XX-YTREE-MethodStatement-RevA dated January 2022 and their Tree Protection Plan reference 1756-KC-XX-YTREE-TPP01Rev B 5775/21-01 dated November 2021, together referred to as the scheme of protection, shall be adopted.

The development shall thereafter be implemented in strict accordance with the approved scheme of protection, which shall be kept in place until



all parts of the development have been completed and all equipment, machinery and surplus materials have been removed.

**Reason:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029.

- 16 The development shall be carried out in accordance with the submitted flood risk assessment (ref 'FLOOD RISK ASSESSMENT, WARWICK CASTLE: HOTEL AND EXTENSION TO KNIGHT'S VILLAGE RESTAURANT' P21-576 Issue No 1 dated 14/01/2022) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 0.9m above the 1000 year event.
- All built development with the exception of the raised walkway shall be sited within flood zone 1.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

**Reason:** To reduce the risk of flooding to the proposed development and future occupants in accordance with Policies FW1 and FW2 of the Warwick District Local Plan 2011-2029.

- 17 The development hereby permitted shall be carried out strictly in accordance with the detailed Landscape and Ecological Management Plan (PE0266/HS dated March 2022, Harris Lamb). The approved measures within the LEMP shall thereafter be implemented in full.

**REASON:** To ensure protection of species and no net loss in accordance with ODPM Circular 2005/06 and the NPPF.

- 18 Any hard landscaping shown on the approved plans, including boundary treatment, paving and footpaths, shall be completed in all respects within the 6 months of the first use of the development hereby permitted. Any soft landscaping shown on the approved plans, including any tree(s) and shrub(s), shall be planted within the first planting season following that first use. Any tree(s) or shrub(s) removed, dying, or becoming in the opinion of the local planning authority seriously damaged, defective or diseased within five years from the substantial completion of the scheme shall be replaced within the next planting season by tree(s) or shrub(s) of the same size and species to those originally required to be planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.

- 19 Noise arising from any plant or equipment (measured as LAeq,5 minutes), when measured (or calculated to) one metre from the façade of any noise sensitive premises, shall not exceed the background noise level (measured as LA90,T). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **Reason:** To ensure that future occupants do not experience unacceptable levels of noise, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.
- 20 No deliveries or waste collections likely to cause nuisance to nearby residents shall take place before 08:00 hours or after 19:00 hours on Monday to Friday or before 09:00 hours or after 18:00 hours on Saturdays. There shall be no deliveries or waste collections on Sundays or Bank Holidays. **Reason:** To protect the amenities of occupants of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.
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**Planning Committee:** 26 April 2022

**Item Number:** 6

**Application No:** [W 21 / 0410](#)

**Town/Parish Council:** Leamington Spa

**Case Officer:** Jonathan Gentry

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

**Registration Date:** 18/08/21

**Expiry Date:** 13/10/21

**62 Leam Terrace, Leamington Spa, CV31 1BQ**

Erection of 2no. 1 bed maisonette flats to land rear of No. 62 Leam Terrace FOR  
Nexus

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This application is being presented to Planning Committee due to the number of objections received and the application is recommended for approval.

**RECOMMENDATION**

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

**DETAILS OF THE DEVELOPMENT**

Planning permission is sought for the erection of 2no. 1 bed maisonettes on land to the rear of No. 62 Leam Terrace. The proposed design and layout of the site has been revised in line with Officer and consultee feedback during the course of the application.

**THE SITE AND ITS LOCATION**

The application site is located within the Royal Leamington Spa Conservation Area and also falls within the town centre boundary. The site relates to the far rear extent of 62 Leam Terrace, which fronts on to New Street. As existing, the site forms a hardstanding parking area, separated from New Street through a boundary wall and large gated access. While the South side of New Street opposite the site is largely characterised by terraced dwellings, the North side of the street exhibits a selection of garages and coach/ mews style dwellings that have emerged within the garden areas of Leam Terrace Villas.

**RELEVANT PLANNING HISTORY**

W/07/1024 – Part demolition of existing boundary wall with construction of new double sliding timber gate and dropped kerb fronting New Street; erection of new shed - Granted

**RELEVANT POLICIES**

- National Planning Policy Framework
- [Warwick District Local Plan 2011-2029](#)
- H1 - Directing New Housing
- BE1 - Layout and Design

- BE3 - Amenity
- TR1 - Access and Choice
- TR3 - Parking
- FW1 - Development in Areas at Risk of Flooding
- HE1 - Protection of Statutory Heritage Assets
- CC1 - Planning for Climate Change Adaptation
- NE1 - Green Infrastructure
- NE5 - Protection of Natural Resources
- FW3 - Water Conservation
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Parking Standards (Supplementary Planning Document- June 2018)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Royal Leamington Spa Neighbourhood Plan 2019-2029
- RLS1 - Housing Development Within the Royal Leamington Spa Urban Area
- RLS12 - Air Quality
- RLS2 - Housing Design
- RLS3 - Conservation Area
- RLS13 - Traffic and Transport

## **SUMMARY OF REPRESENTATIONS**

**Royal Leamington Spa Town Council** - Members raise no objection, subject to no objection from Conservation and the Highways Authority and appropriate parking space provision.

**WCC Ecological Services** - Recommend works carried out sensitively. Advise imposition of advisory notes in relation to bats, nesting birds, amphibians and hedgehogs.

**WCC Highways** - No objection to revised scheme.

**Lead Local Flood Authority** - Recommend additional details regarding SuDs and overland flow mitigation provided.

### **Public Response -**

Eight objections received on the following grounds:

- Existing parking stress on New Street will be worsened by the proposed development.
- Inadequate parking spaces provided on site.
- Proposed development would result in a loss of amenity space to No.62 Leam Terrace.
- Proposed development lacks outdoor amenity space.
- Not clear whether proposed maisonettes meet national space standards.

One neutral comment received, stating error in Design and Access Statement.

## **ASSESSMENT**

### Principle of development

Policy H1 seeks to direct new housing development in the first instance to the urban areas of Leamington, Kenilworth and Warwick. In this respect the application site is within the urban area of Leamington Spa and acceptable in principle having regard to Policy H1.

### Impact on the character and appearance of the Conservation Area and wider streetscene

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

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

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 involves the creation of a 1.5 storey building comprising 2no. 1 bed maisonettes on part of the rear garden of No. 62 Leam Terrace. The immediate adjacent neighbouring site at Nos.83 and 81 New Street has been similarly infilled. Several other examples of development infilling plots facing onto New Street are evident to the West of the site.

The proposed building design has been amended during the course of the application to adopt a more sensitive appearance, including revised fenestration layout and front facing dormers that have been recessed into the eaves of the building and feature pitched roofs. Overall, the design is considered to sit comfortably in the surrounding street scene, closely following the neighbouring site in terms of layout and overall scale and design. Appropriate facing materials and detailing have also been incorporated into the scheme. Officers assess that as revised; the development would not result in the generation of visual harm to the character and setting of the Conservation Area.

Overall Officers consider that the proposal will not have an adverse impact on the heritage assets or the wider streetscene having regard to Policies HE1 and BE1.

### Impact on residential amenity

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.

#### *Neighbouring Amenity*

The position of the proposed building would not result in any breach of the 45-degree guide from the neighbour at No.83 New Street. As the only immediately adjacent property, the proposal would not result in material harm to neighbouring amenity by reason of loss of light or outlook.

In addition, the position of the windows at both ground and first floors is directed both forwards onto New Street and rearwards into the parking area at the rear of the site. While some angled views into the neighbouring property at No.83 would be possible, alongside further views into the garden of No.62 Leam Terrace, the proposed arrangement is considered to be one typical of an urban setting. In view of this, it is considered that there would be no material harm by reason of loss of privacy or overlooking of neighbouring sites.

An acceptable level of private outdoor amenity space of approximately 165sq metres would be retained to the rear of No.62 despite the loss of existing hardstanding area and creation of additional parking spaces.

A distance separation of approximately 22 metres would be achieved between the rear of the development and that of No.62 Leam Terrace, in accordance with minimum standard set out within the WDC Residential Design Guide SPD. A comparable separation would be achieved to No.4 Farley Street to the east, the rear of which faces towards the application site. As a blank gable, this separation distance is considered acceptable.

To the frontage of the site, a distance separation of approximately 11 metres would be achieved against Nos.102, 104 and 104a New Street. Such separation lies sub-standard of the 15 metres outlined within the Residential Design Guide as an acceptable across-street layout for new developments. However, the specific layout of the street and its Conservation Area setting dictates that reduced across street separation and buildings that lie directly up against the street frontage form a dominant characteristic of the area. The neighbouring site at No.83 features a comparable cross street separation, and Officers consider that setting the building further rearwards within the plot would compromise the overall character of the streetscene. Given these considerations, the proposed layout is considered acceptable in this regard, and is not viewed to result in compromised amenity beyond a level typical of the street. The Residential Design Guide makes provision for reduced distance separations where the character of the conservation area is relevant.

#### *Future Occupiers*

All habitable rooms within the proposed development would benefit from an acceptable level of natural light and outlook, being served by appropriate window openings.

The proposed development does not include the provision of any specific private outdoor amenity space, beyond the hardstanding parking and waste storage area to the rear of the building. However, it is noted that the scheme comprises the creation of 2no. single bed maisonettes positioned within a dense urban area of the town centre in close proximity to public parks and open spaces and in this context, it is considered that the absence of dedicated private amenity space would not be a reasonable reason for refusal.

A comment has been submitted querying whether the proposal meets the requirements of the National Space Standards. This has not been adopted by Warwick District Council and therefore the weight to be given to this is very limited. can be given to this.

Overall, the development is considered to comply with Policy BE3 in terms of impact on amenity to neighbouring properties and the amenity of the future occupiers.

### 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.

Vehicular access to the site is to be achieved through a driveway access that would run to the side of the proposed building. The site as existing features vehicular access from its frontage onto New Street.

In line with the WDC Parking Standards SPD, the two maisonettes created would each require a single parking space. Accordingly, two spaces have been illustrated to the rear of the site, accessed from the driveway running to the side of the building. The Highways Authority initially objected to the scheme on the basis that the illustrated spaces did not meet specified dimensional standards and were positioned in such a way that would make accessing bin storage difficult. As a result, a revised scheme was brought forward, illustrating spaces of appropriate dimensions and positions. The Highways Authority subsequently raised no objection to the revised design layout.

In addition to spaces required under this development scheme, since an existing parking area serving No.62 would be lost through the proposed development, it is necessary for off street parking to be provided for No.62 Leam Street. To this end, it is noted that public comments received cite the significant parking pressure evident within this part of Leamington. To mitigate the loss of existing parking an additional parking area comprising three spaces has been illustrated behind the application site, serving the parking requirement of No.62. This parking area is to be accessed via the driveway area shared with the maisonettes. The provision of three spaces meets the upper specification of the WDC Parking Standards SPD which outlines those properties of four or more bedrooms should benefit from at least three spaces. The appropriate completion of the designated parking areas is to be secured via condition.

The Highways Authority consider that there would be no harm to public or vehicular safety as a result of the proposal and as such I consider the proposal accords with Policy TR1 and TR3.

### Ecology

Policy NE2 of the Local Plan seeks to protect designated biodiversity assets and protected species, ensuring they are not adversely impacted by development proposals. The County Ecologist has recommended that precautionary notes are attached regarding bats, nesting birds and amphibians/hedgehogs are attached to any grant of consent. Such measure is considered reasonable and appropriate in this instance.

In line with this consideration this I am satisfied the proposal will not have an adverse impact on protected species having regard to Policy NE2.

### Flood Risk

WDC Local Plan Policy FW1 sets out a range of policy considerations for reducing flood risk in line with NPPF specifications.

The application site area lies within designated Flood Zone 2, raising the need for appropriate flood mitigation within the scheme. The Lead Local Flood Authority have commented on the application, requesting further details in regard to surface water drainage and the incorporation of sustainable drainage systems (SuDs). The proposed plan layout of the site has subsequently been revised to illustrate the installation of permeable gravel surfacing to the outdoor parking areas of the site, incorporating a permeable sub-base layer. In addition, rainwater drainage layout has been illustrated appropriately. As a result, the development is considered to appropriately mitigate potential flood risk, minimising overland flow and this can be secured by condition.

As amended, the development is considered to accord with Local Plan Policy FW1.

### Low Emissions Strategy

The Council's adopted Air Quality SPD sets out the level of mitigation that would be required to reduce the impact of emissions resulting from a particular development.

The proposal will result in additional vehicular movements and therefore there is a requirement for the provision of an electric charging point in accordance with the Council's adopted Air Quality SPD. Both of the designated parking spaces illustrated on the revised plan submission feature an installed EV charging port. As a result, the development is considered to incorporate appropriate measures in this regard. This can be secured by condition.

### Waste

As revised, a single bin storage area has been detailed to the rear of the site, adjacent to designated parking spaces. The detailed store is of appropriate



dimensions to accommodate the relevant waste storage requirement in line with specifications outlined in Appendix I of the WDC Residential Design Guide. The bins may be brought to the front of the site for collection purposes.

The proposal is therefore considered acceptable from a waste management perspective.

#### Water Efficiency

Compliance with Policy FW3 is to be secured by condition.

#### Sustainability

Compliance with Policy CC1 is to be secured by condition.

### **SUMMARY/CONCLUSION**

For the reasons outlined above, Members are recommended to grant permission for the proposed works, subject to noted conditions.

### **CONDITIONS**

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan '1610-LP-01A' submitted on the 6th December 2021, approved drawing '1610-P-01\_G' submitted on the 8th April 2022, and specification contained therein, except as required by condition 3 below. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 Notwithstanding the details contained within the approved documents, prior to commencement of development other than site clearance, preparation works, or demolition works, a Sustainability Statement including a programme of delivery of all proposed measures shall be submitted to and approved in writing by the Local Planning Authority. The document shall include:
  - a) How the development will reduce carbon emissions and utilise renewable energy.
  - b) Measures to reduce the need for energy through energy efficiency methods using layout, building orientation, construction techniques and materials and natural ventilation methods to mitigate against rising temperatures.
  - c) Details of the building envelope (including U/R values and air tightness).
  - d) How the proposed materials respond in terms of embodied carbon.

e) How the development optimises the use of multi-functional green infrastructure (including water features, green roofs and planting) for urban cooling, local flood risk management and to provide access to outdoor space for shading,

No dwelling shall be first occupied until the works within the approved scheme have been completed in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

**REASON:** To ensure the creation of well-designed and sustainable buildings and in accordance with Policies CC1 and CC3 of the Warwick District Local Plan (2011-2029) and National Design Guidance (2019).

- 4 No development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policies BE1 & HE1 of the Warwick District Local Plan 2011-2029.
- 5 The development hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas for both the new dwellings and No.62 Leam Terrace have been provided in accordance with the details shown on the approved drawings and thereafter those areas shall be marked out and kept 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 residential amenity in accordance with Policies BE3 and TR3 of the Warwick District Local Plan 2011-2029.
- 6 The development hereby permitted shall be carried out strictly in accordance with the approved porous surface treatment details illustrated within '1610-P-01 Rev.G'. The surfacing shall be retained in strict accordance with the approved details. **REASON:** To reduce surface water run-off and to ensure that the development does not increase the risk of flooding elsewhere, in accordance with Policy FW2 of the Warwick District Local Plan 2011-2029.
- 7 The development hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved has been submitted to and approved in writing by the Local Planning Authority. No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **REASON:** To ensure the

creation of well-designed and sustainable buildings and to satisfy the requirements of Policy FW3 of the Warwick District Local Plan 2011-2029.

- 8 Prior to the occupation of the dwelling(s) hereby permitted, one 16amp (minimum) electric vehicle recharging point (per dwelling) shall be installed in accordance with details first submitted to and approved in writing by the Local Planning Authority (LPA). Once the electric vehicle recharging point(s) has been installed, the following verification details shall be submitted to and approved in writing by the LPA: (1). Plan(s)/ photograph(s) showing the location of the electric vehicle recharging point(s); (2). A technical data sheet for the electric vehicle recharging point infrastructure; and (3). Confirmation of the charging speed in kWh. Thereafter the electric vehicle recharging point(s) shall be retained in accordance with the approved details and shall not be removed or altered in any way (unless being upgraded). **REASON:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document.
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**Planning Committee:** 26 April 2022

**Item Number:** 7

**Application No:** [W 21 / 2185](#)

**Town/Parish Council:** Offchurch

**Case Officer:** Helena Obremski

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

**Registration Date:** 23/02/22

**Expiry Date:** 20/04/22

**Offa House, Village Street, Offchurch, Leamington Spa, CV33 9AS**

Restoration of Offa House including the demolition of C20 extensions, and the construction of two new houses within the site, including rearrangement of garden area associated with Lodge Cottage. FOR Mrs and Mrs Hartog

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This application is being presented to Committee as the Parish Council supports the application and owing to the number of letters of support received, and it is recommended for refusal. It should however be noted that whilst the Parish Council support the application, they also raise concerns regarding 'Property D'.

**RECOMMENDATION**

Planning Committee are recommended to refuse planning permission for the reasons listed in the report.

**THE SITE AND ITS LOCATION**

Offa House is a former Diocesan retreat house situated within the village of Offchurch. The property is a Grade II listed building situated within the Offchurch Conservation Area. There is a Grade II listed ancillary coach house to the west of the site, with high level wall which attaches to the property. The site is within the Green Belt, with open countryside adjoining the site to the north and west. The Grade II\* listed St. Gregory's church is situated to the east of the site and the Lodge to Offa House is situated to the south in separate ownership. The next nearest dwellings are situated further to the south, on the opposite side of Village Street.

There is a vehicular access and driveway to the site from Village Street. This leads to a parking area to the front and side of the property. There is also an existing separate vehicular access from Village Street further to the west of the main access, which is not currently in use.

The premises was granted planning permission for short term refuge accommodation for refugees for a period of 5 years from November 2015 but this use was not implemented. Planning permission was granted in December 2017 for a change of use from the retreat to a single dwellinghouse, this has been implemented.

**DETAILS OF THE DEVELOPMENT**

The application seeks planning permission for the redevelopment of the application site. In summary the works are as follows:

- Refurbishment and restoration of the existing main property (Offa House) on the site, including internal alterations, single storey rear extension following removal of existing C20 extensions and fire escape, window and door alterations, two front facing dormer windows, re-roofing, new roof lantern. This would provide a 6 bedroom property, with formalised parking area in front of the site, and garden areas to the north, west and south.
- Proposed erection of a new dwellinghouse to the north west of the site nearby to the existing Coach House which would become ancillary accommodation, collectively referred to as "Property C". This would provide a three bedroom property, with an L-shaped floor plan and would be two and single storey. The Planning Statement suggests that Property C has been designed to emulate a traditional coach house style property. Whilst there are no proposed physical alterations to the existing Coach House, a new wall would attach to the listed structure, forming a retaining wall and boundary treatment. The dwelling would be accessed from the existing secondary access point, with an area of hard standing for parking proposed to the north of the property.
- Proposed creation of a second additional dwellinghouse, referred to as "Property D" adjacent to the main highway and neighbouring property, Lodge Cottage. This would provide a three bedroom property which would be accessed from the secondary access from Village Street. The private amenity space serving Lodge Cottage would be reduced in size to accommodate the proposed dwelling and a hedge would separate the curtilage of Property D from the curtilage of Offa House. This also has an L-shaped floor plan and would be a two and single storey dwelling.
- Associated works include the installation of hard surfacing from the secondary access to provide a driveway for the two proposed residential properties, removal of trees, amendment to existing boundary walls and installation of gates.

This application follows a number of applications for redevelopment of the site, which are outlined below. The most notable of the previous applications are W/18/2145 & W/21/2146/LB which were refused by Planning Committee and dismissed at appeal for the refurbishment of Offa House and creation of 2no. additional dwellings through detachment of the main property from its later additions, by demolishing the 1960's and 1980's extensions - the remaining wing formed one additional residential unit, with extensions, and the existing ancillary Coach House, with extensions, formed the second additional unit.

The main differences between this scheme and the proposal are:

- total removal of the C20 extensions to Offa House;
- the curtilage listed coach house would not be extended, instead the new dwelling would be located in close proximity to it, rather than attaching to it, and has a different design inspiration;
- the second additional dwelling will not form part of the existing extensions to Offa House and would be positioned next to the highway.

## **RELEVANT PLANNING HISTORY**

W/19/1908 & W/19/1909/LB - Refurbishment and restoration of the main property (Offa House) including internal alterations to provide a single residential dwelling (including change of use from retreat (Sui Generis to C3 residential), single storey rear extension (following removal of existing rear and side extensions), window and door alterations, 2no. dormer windows to front, re-roofing and new roof lantern. The existing Coach House to be renovated for home office use in association with Offa House. Proposed creation of 2no. additional dwellings through detachment of the main property from later additions by demolishing the 1960's and 1980's extensions - the remaining wing will form one additional residential unit, with extensions (Unit A). Unit B, a new detached 3 bed property will be sited to the south west. Proposed gates and alterations to hardstanding - withdrawn 29/01/2020

W/18/2145 & W/21/2146/LB - Refurbishment and restoration of the main property including internal alterations to provide a single residential dwelling (including change of use from retreat (Sui Generis to C3 residential), single storey extensions, window and door alterations, 2no. dormer windows, re-roofing and new roof lantern. Proposed creation of 2no. additional dwellings through detachment of the main property from later additions by demolishing the 1960's and 1980's extensions - the remaining wing will form one additional residential unit, with extensions, and the existing ancillary Coach House, with extensions, will form the second additional unit. Associated landscaping and gates - Refused 31/09/2019 and dismissed at appeal 23/12/2019

W/18/0881 & W/18/0882/LB - Refurbishment of main dwelling, including internal and external alterations, demolition and extensions; detachment of existing wing of main dwelling and extensions to create a separate dwelling; extensions and alterations to the existing coach house to provide additional new dwelling, and associated works including new access and landscaping - Withdrawn 14/08/2018

W/17/2104 - Change of use from retreat (Use Class Sui Generis) to dwelling (Use Class C3) - Granted 19/12/2017

W/17/0903 - Change of use from short term residential accommodation for refugees (for a temporary period of up to five years) - to permanent residential residence for private ownership – Withdrawn 09.06.2017

W/15/1738 - Change of use from Diocesan retreat house to short term residential accommodation for refugees (for a temporary period of up to five years) – Granted 16.11.2015

## **RELEVANT POLICIES**

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- BE1 - Layout and Design
- BE3 - Amenity
- BE4 - Converting Rural Buildings
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE5 - Protection of Natural Resources

- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- HE4 - Archaeology
- DS18 - Green Belt
- H1 - Directing New Housing
- H11 - Limited Village Infill Housing Development in the Green Belt
- H14 - Extensions to Dwellings in the Open Countryside
- TR1 - Access and Choice
- TR3 - Parking
- Guidance Documents
- Parking Standards (Supplementary Planning Document- June 2018)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Air Quality & Planning Supplementary Planning Document (January 2019)

## **SUMMARY OF REPRESENTATIONS**

**Joint Parish Council:** Supports application for restoration of Offa House and provision of Coach House dwelling. However, concern raised regarding 'Property D' and impact on village street scene. The removal of trees and the proximity of the building to the boundary will significantly change the street appearance. Viewed from the west, at Park Gates the road rises when entering the Village. Consequently, a sizeable part of the new building elevation would be visible, rather than the current brick boundary wall. The Parish Council would urge that changes are made to building D to minimise its impact upon the street. Moving the building further back from the boundary wall would be an option to consider.

**Historic England:** No objection.

**Waste Management:** No objection.

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

**WCC Highways:** No objection.

**WCC Landscape:** Objection, harmful to landscape character; the development fails to harmonise with the established character of the area and does not enhance the settlement pattern; loss of trees.

**Conservation Area Forum (CAF):** CAF were in agreement that the proposal is a significant improvement on the previous submission, but were split as to whether this improvement equated to a wholly appropriate scheme. The removal of the modern extensions to the main house was praised. The size of the two new dwellings within the site was debated, as it was felt they may possibly overwhelm or be in competition with the existing Coach House and the neighbouring Lodge. It was felt the size and scale of the houses could give the feel of a small rural housing estate rather than a country house and grounds with the new dwellings possibly going beyond enabling development to new development within the green belt.

Whilst it was agreed that there were positives and negatives to the application, it was noted by some members that the new houses were of an attractive and well

thought out design, located at the boundaries of the site thereby preserving optimum green space, so whilst there are issues, a good scheme may be passed over for a faultless scheme that may never come, at an overall detriment to the asset.

**Conservation Officer:** Objection, there are very much similar issues associated with these proposals as with previous applications on the site. The scheme proposes to subdivide the grounds of Offa House into 3 separate residential units. As stated very clearly in the appeal decision, any proposed subdivision of land is harmful to both the setting of the listed building and appearance and character of the Conservation Area. The Inspector explained that the subdivision of the site to create self-contained residential plots '*would have an intrusive urbanising effect that would detract from the setting of the listed building*'. It was also noted that the character and appearance of Offchurch Conservation Area is heavily influenced by the inclusion within the designation of large areas of green space between buildings, some of which allow views through to the open countryside beyond. The Inspector added that Offa House makes an important contribution to the character and appearance, both as a key historic building in the village and its garden as undeveloped green space. The stance of the Planning Inspectorate is therefore clear – any proposal to subdivide the site results in harm to both the setting of the listed building and the appearance and character of the Conservation Area.

Whilst 'House D' is small relative to the overall size of Offa House, it appears dominant in terms of bulk and massing on the street scene and overwhelms the modest The Lodge Cottage building. The Lodge, located adjacent to the driveway of Offa House, clearly contributes towards the setting of the principal listed building and the proposal diminishes the contribution that the building makes towards the setting of Offa House and the Conservation Area.

Property C is substantially larger in terms of volume, height and massing when compared to the curtilage listed outbuilding. The visuals presented show that this is clearly visible from the 2 storey bay window of Offa House and its rear elevation, which creates a strong impression of increased urbanisation that is harmful to the setting of the listed building. As with House D, House C clearly overwhelms the adjacent curtilage listed outbuilding. Its design also creates an inappropriate impression of grandeur that appears alien within the direct setting of a Georgian Vicarage.

Therefore, the scale, bulk, massing and design of proposed houses C and D, combined with proposed subdivision of the site, results in less than substantial harm to designated heritage assets (listed building and Conservation Area), albeit on the higher end of the scale. There are limited public benefits to the proposal given the current 5+ year housing land supply in the District. The listed building is not considered to be at risk and the scheme has not demonstrated optimum viable use.

No objection to proposed alterations to Offa House, subject to confirmation of materials shown annotated on the plans.

**WCC Ecology:** Holding objection - requested bat mitigation measures and evidence of biodiversity impact assessment.



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

**Public Responses:**

1 Objection (Warwick District):

- subdivision of site is not supported which is central to value of heritage asset, and would be harmful to the heritage asset and Conservation Area, with limited public benefit.
- The Lodge Cottage contributes to the setting of Offa House. The addition of Property D would diminish this relationship and as such would be detrimental to Offa House as a Heritage Asset. Property D would also appear to have a detrimental impact on the Conservation Area due to the reduction in green space.
- Loss of boundary wall would have harmful impact on heritage assets
- Infill development considered to be harmful to character of Conservation Area and does not meet definition of limited infilling.
- Inappropriate development in the Green Belt.
- Proposal would set a harmful precedent for additional infill development.
- The proposals bare similarities to the previous appeals on the site, and therefore as the reasons for dismissal of the appeal have not been overcome, the application should be refused.
- Development of the site on the scale proposed clearly removes the magnificence that the gardens bring to the property and removes the openness of the Green Belt land to the property and must surely be considered over-development.
- Works to Offa House itself supported in principle.

The Offchurch Group Parochial Church Council: Supports application:

- Concern raised regarding proposed fencing between the church and application site.
- Concern raised regarding the proposed gate obstructing access to churchyard.
- Supports new access, main desire for the church is to see the property renovated and in use again after standing empty for five years. The concern is that it will deteriorate further if the planning situation cannot be resolved.
- In general the new proposals will mean that Offa House itself will sit on a plot appropriate for its size and history and the two new properties will provide accommodation which appears not to impinge on it.

51 Support:

Outside of UK: 1

Outside of District: 18

Warwick District: 22

Within Offchurch Village: 12

- Detail and care will be taken by the owners.
- A beautiful building will be restored and updated in proportionate and appropriate way.
- The house and land will be improved.

- The listed buildings are in a very poor state of repair and needs to be renovated.
- Preserves and enhances listed buildings and conservation area.
- English Heritage have reviewed plans.
- Wildlife reviews have been completed.
- All of the local village is in support.
- There is plenty of scope to retain green belt policies and the plans do not create additional residencies.
- This house should have the opportunity to be brought back to its former self.
- The garden area will be beautiful.
- Alternative is to let building decay, the proposal will secure the future of the building.
- The proposal complies with planning policies.
- Would improve the character of the area and village
- Would not have a negative impact on the rural landscape.
- Green belt is preserved because new buildings are no larger than existing and screened by trees.
- Any adverse impacts are outweighed by positive aspects.
- It is a reasonable, pragmatic, realistic and rational scheme that balances the demands of being within a conservation area and the need to preserve a significant listed building, with how families live in the 21st century, and the growing need for homes in all parts of the country.
- Carefully and sympathetically subdivides into more manageable sizes, a potentially unrealistic and burdensome house and grounds in this day and age, provides new (and still generously proportioned) homes and gardens for new families to move to the village, whilst at the same time very largely preserving the overall character, aspect, and feel of the original plot.
- The proposal should be considered as self build development - one of the stated benefits of self/custom building is that it "helps to diversify the housing market and increase consumer choice". This is definitely the case in this scheme. The proposal will address shortfall of provision of self-build housing
- Any arguments made against this application on the basis of Offchurch being a conservation area must take this into account. It is not the intention, scope or purpose of the conservation of Offchurch to preserve it. It is by definition characterised by having a variety of different houses from different periods. The objections that rely on citing this being a conservation area, appear not to take this into account. Rather they misguidedly rely heavily on the preservation of Offchurch, not its enhancement. The scheme as detailed, will provide the necessary addition to having houses from the early 21st century, and will do so in a way that is sympathetic in design and which, given this is a very low density development, will also maintain the "green open spaces" that form part of the specification, and that these spaces are "interspersed" with houses - the very definition of "low density".
- All development will be carried out to current building control standards, and that this will result in some slightly improved efficiency in Offa House itself, it is the case that far greater building performance will be achieved in the construction of the two additional dwellings. If this scheme did not include these additional dwellings then Offa House would simply be restored in isolation and not achieve such impactful outcomes. As part of a wider scheme, the overall average energy efficiency envelope will improve. The two additional homes offsetting the limited potential of the original, leading to an

overall net gain in energy efficiency. There will not be an additional two houses built anywhere else in Warwick District to offset the lost opportunity for two that may be denied permission here. This gain is only achieved if the whole scheme proceeds in its entirety. This is the more sustainable option.

- It would be perverse, unfair and knowingly detrimental to the needs of a rural community to fail to give this due consideration in respect of this application, and to simply decree "no new homes" on the basis that Offchurch is not a Growth Village. Not being a growth village does not equate to not having a need for new homes. Demonstrably Offchurch does require some growth to keep it a strong community, and it should be able to contribute to providing some of the homes needed within Warwick District.

## **Assessment**

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

- Principle of the Development
- Whether the proposal constitutes appropriate development in the Green Belt and, if not, whether there are any very special circumstances which would outweigh the harm by reason of inappropriateness and any other harm identified
- The Impact on the Character and Appearance of the Area and Impact on Heritage Assets
- Archaeological Impact
- The impact on the living conditions of nearby dwellings and living conditions for the future occupiers of the site
- Car Parking and Highway Safety
- Drainage
- Ecological Impact
- Waste
- Climate Change
- Impact on Trees
- Other Matters

### **Principle of the Development**

Local Plan policy H1 directs new housing, providing a hierarchy for new residential development, starting with the urban areas, then allocated housing sites, and then the growth and limited infill villages. Offchurch is identified as a limited infill village, therefore the principle of new housing development is acceptable. However, compliance with Local Plan policy H11 regarding what constitutes limited infilling will also be required, which is discussed in more detail below.

It is highlighted that policy H1 states that housing development on garden land, in urban and rural areas, will not be permitted unless the development reinforces, or harmonises with, the established character of the street and/ or locality and respects surrounding buildings in terms of scale, height, form and massing. This is discussed in more detail below.

Given that the permission for the change of use to a dwelling has been implemented, the area in which the new dwellings are proposed to be erected is considered to represent garden land, so this part of policy H1 also now applies, which is a materially different consideration to the previous refusal as the site was in a different use.

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

Supporters of the proposal consider that the development would have an acceptable impact on the Green Belt, which would be preserved. An objector considers that the proposal represents inappropriate development within the Green Belt which does not meet the definition of limiting infilling and would set a harmful precedent for additional infill development.

#### *Limited infilling*

Paragraph 137 of the National Planning Policy Framework (NPPF) states that the essential characteristics of Green Belt are openness and permanence. It sets out that inappropriate development within the Green Belt is harmful by definition. Exceptions to inappropriate development in the Green Belt are listed and includes limited infilling in villages.

Policy H11 of the Local Plan allows housing in Limited Infill Villages in the Green Belt. The policy defines limited infilling as acceptable as long as the development comprises:

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

The applicant contends that Property D represents limited infilling. However, an objector considers that the proposal does not constitute limited infill development and that the development would be harmful to the character of the area.

The proposal would be for no more than two dwellings, satisfying criterion 'a' of policy H11. However, the fact that the house is not in an isolated location and is located within a limited infill boundary does not automatically mean that the proposal meets the Council's definition of infill development. The limited infill boundary shown on the proposal map identifies the relative sustainability of the site, but the development must also meet with the Council's definition of limiting infilling to be policy compliant, which Officers do not consider that it would. A significant material consideration regarding this matter are the findings of the Inspector for appeal APP/T3725/W/19/3232186 (application W/18/2145).

The Inspector describes the site as:

*"...a large green space, virtually all of whose former long road frontage has passed into separate ownerships. **There is no sense of any continuous frontage development on this side of the road.** The proposed new development would be set in the heart of the site and would comprise detached dwellings set in substantial plots. They would adjoin the site's boundaries to open countryside, and would not be enclosed by any existing development to the west or north. The appeal proposal would not comply."*

The above is a very clear statement from the Inspector that the site is not a small gap and is not part of a largely built up frontage. There is a lack of compliance with H11 which can be applied directly to this application, in terms of a lack of any continuous street frontage. Moreover, whilst it is noted that Property D would have a building positioned to its east (Lodge Cottage), there would still remain a large open space, consisting of a wooded area to its west. There is some 80 metres before there is another neighbour to the west of Property D. This cannot be therefore considered as a small gap in an otherwise largely uninterrupted built up frontage.

The Inspector also states that, *"... as outlined above the site's green space is characteristic of the village, so that there would also be conflict with the third criterion."* It is considered that the proposed development would also erode the openness of the site, by virtue of spreading the development across the site, in fact to an increased extent in comparison to the previous scheme, thus having a harmful impact on the site's green space. The proposal also therefore fails on the grounds of point 'c' of policy H11. This is also supported by the comments from WCC Landscape.

The Planning Statement suggests that there is a "sense of uninterrupted built frontage", but this is not the test which the proposal needs to meet and in any event contradicts the Inspector's conclusion on this matter. Property D therefore cannot be considered to meet the definition of limited infill development. It is also considered that Property C also fails to meet the definition of limited infilling; it would not be visible within or form part of the street scene and would not be enclosed by development to the north or west.

Therefore, although the site lies within a limited infill boundary, the proposal fails to meet the Council's definition of limited infilling and the requirements of Local Plan policy H11.

### *Brownfield Development*

The NPPF states that the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development, would also constitute appropriate development within the Green Belt. Openness in this sense is defined as an absence of built form.

Currently the site benefits from the main property, Offa House, which is a substantial building that has been significantly extended. The main part of the property is three stories, with the more recent extensions being single storey. The ancillary Coach House, attaching to a high level wall to the west of the site

has a footprint of just 35sqm. It is therefore considered that the majority of the existing built form is consolidated around the central part of the site as one main building, whilst the Coach House is read as a much smaller ancillary structure, positioned some distance away from the main property. The three storey element of Offa House has the most considerable impact on the openness of the Green Belt at present, although it is recognised that the extensions do also impact openness. The Coach House being so small at present is considered to have a limited impact on openness in its current form.

The Planning Statement suggests that Property C represents the partial redevelopment of previously developed land. However, the NPPF states that previously developed land **does not** include land in built-up areas such as residential gardens. The site is not located within the open-countryside, being in a limited infill village, therefore must be considered as a "built up area". Its use is a residential garden. The agent contends that the site does not form a built-up area, however, Officers do not agree. Offchurch and the application site are located within a settlement boundary identified in the Local Plan, thus cannot be considered as open-countryside and must be defined as within a built up area.

**Therefore, it cannot be considered that the development falls within this exception to inappropriate development within the Green Belt.**

However, notwithstanding this conclusion, the NPPF also states that the redevelopment of previously developed land can only be considered appropriate development within the Green Belt where it would not have a greater impact on the openness of the Green Belt than the **existing** development. The Planning Statement suggests that the extensions which are to be removed from Offa House should be offset against Property C when assessing the impact on openness. It is suggested that there is a reduction in volume and footprint when comparing these two built areas.

However, the Inspector concluded that the appropriate way to look at the site in Green Belt terms was as a whole, rather than in parts as the methodology proposed by the applicant suggests. Notwithstanding this, even when comparing just Property C and the existing extensions serving Offa House, Property C introduces a large two storey building where currently there is no built form. Moreover, the proposal would also result in built development spreading more widely across the site than under the previous applications. The Inspector noted that the existing site appears as a single building on a large open site, and the development resulted in a number of large buildings spread across different areas of the site. These conclusions apply directly in this case and both of these factors are considered to have a significant harmful impact on the openness of the Green Belt. Therefore, Property C is not considered to meet any of the requirements for brownfield redevelopment.

Moreover, when considering the site as a whole, the calculations provided within the Planning Statement which identify the % differences between the existing and proposed development highlight a nominal difference between the existing and proposed development of a betterment of 1.15% in terms of volume. Whilst the footprint and hardstanding at the site would be materially reduced, this has limited meaningful impact on the openness of the Green Belt – as stated by the Inspector, the volume calculations provide the more appropriate indication of physical impact on openness. As stated above, the sprawling nature of the

development across the whole site has a significant harmful impact on openness, introducing built form where there currently is none. Therefore the small betterment in % terms is strongly outweighed by the harmful impact of spreading the development across the site.

Under the previous application which was dismissed, the Inspector noted that the proposal would radically change the site, creating a perception of domestic plots containing built development, at least part of which would be two storey, spread right across the site. This proposal still seeks to split the site into separate plots, increasing the number of separate buildings on the site and in Officers' view worsens the impact on the Green Belt in comparison to the previous scheme, as Property D is to be constructed further away from Offa House, thus spreading the built form further across the site.

Whilst the Planning Statement suggests that the dwellings have been designed to nestle into the site and adapt to the typography of the land, they would still be perceived as two storey buildings, where currently there is no built form. The proposal significantly increases the built form around the Coach House, where there previously was none. The proposed dwelling adjacent to the Coach House would dwarf the existing very modest building and provides a large detached dwelling, where there previously was only limited harm to openness. This is considered to diminish the openness of the Green Belt and create a sprawling form of development across the whole site, which would be exacerbated by the fact that the site would also be split into three separate residential curtilages, with the potential for increased harm to openness once the properties are occupied.

The reduction in hard standing across the site is noted, but this is offset by the introduction of the new drive and parking areas next to the dwellings.

The NPPF states that one of the essential characteristics of the Green Belt is its openness. Openness is the absence of development notwithstanding the degree of visibility of the land in question from the public realm. Openness has both spatial and visual aspects. The Inspector concluded that the previous scheme would have a significant adverse impact on openness. Officers consider that the proposed scheme would still have a significant adverse impact on openness in spatial and visual terms, for the aforementioned reasons. The proposed dwellings therefore represent inappropriate development within the Green Belt by definition and also have a harmful impact on openness.

#### *Very special circumstances*

It is therefore necessary to consider whether there are any very special circumstances which would outweigh the harm caused to openness, and any other harm identified.

The proposal would provide two additional dwellings, which would contribute towards the Council's housing supply. However, as the Council has a 5+ year housing land supply and the proposal would only provide 2 dwellings, the weight which can be afforded to this benefit is limited.

It is recognised that the proposed development would result in the removal of some harmful elements to the Grade II listed Offa House. This is obviously recognised as an important benefit to the scheme as a whole. However, as discussed in detail below, the proposal is considered to have an overall harmful impact on the listed buildings serving the site and the Conservation Area. Given the concerns expressed by the Conservation Officer regarding the proposed development and detrimental impact which this would have on designated heritage assets, it cannot be considered that this would represent very special circumstances which would outweigh the harm caused to the openness of the Green Belt.

The Planning Statement suggests that the very special circumstances include significant heritage benefits, including the preservation and enhancement of heritage assets, and securing the optimum viable use of the listed building, along with securing its long term future. However, for the reasons set out below, overall, the proposal is considered to be harmful to the setting of the listed buildings and Conservation Area.

It is therefore considered that the proposed development would have a harmful impact on the openness of the Green Belt, and that there are no very special circumstances identified which would outweigh the harm caused by definition and to openness or to the other harm identified. The NPPF directs that substantial weight should be given to this harm. The proposal is considered to be contrary to Local Plan policy DS18 and the NPPF.

#### The impact on the Character and Appearance of the Area and Impact on Heritage Assets

An objector to the proposal raises the following concerns:

- Subdivision of site is not supported which is central to the value of the heritage asset, and would be harmful to the heritage asset and Conservation Area, with limited public benefit.
- The Lodge Cottage contributes to the setting of Offa House. The addition of Property D would diminish this relationship and as such would be detrimental to Offa House as a Heritage Asset. Property D would also appear to have a detrimental impact on the Conservation Area due to the reduction in green space.
- Loss of boundary wall would have harmful impact on heritage assets.
- Infill development considered to be harmful to the character of the Conservation Area.
- Development of the site on the scale proposed clearly removes the magnificence that the gardens bring to the property and removes the openness of the Green Belt land to the property and must surely be considered over-development.
- Works to Offa House itself supported in principle.

Supporters of the proposal have the following statements:

- In general the new proposals will mean that Offa House itself will sit on a plot appropriate for its size and history and the two new properties will provide accommodation which appears not to impinge on it.
- A beautiful building will be restored and updated in a proportionate and appropriate way.



- The house and land will be improved.
- The listed buildings are in a very poor state of repair and need to be renovated.
- Preserves and enhances listed buildings and conservation area.
- English Heritage have reviewed plans.
- The garden area will be beautiful.
- Alternative is to let building decay, the proposal will secure the future of the building.
- Would improve the character of the area and village
- Would not have a negative impact on the rural landscape.
- It is a reasonable, pragmatic, realistic and rational scheme that balances the demands of being within a conservation area and the need to preserve a significant listed building, with how families live in the 21st century, and the growing need for homes in all parts of the country.
- Carefully and sympathetically subdivides into more manageable sizes, a potentially unrealistic and burdensome house and grounds in this day and age, provides new (and still generously proportioned) homes and gardens for new families to move to the village, whilst at the same time very largely preserving the overall character, aspect, and feel of the original plot.
- Any arguments made against this application on the basis of Offchurch being a conservation area must take this into account. It is not the intention, scope or purpose of the conservation of Offchurch to preserve it. It is by definition characterised by having a variety of different houses from different periods. The objections that rely on citing this being a conservation area, appear not to take this into account. Rather they misguidedly rely heavily on the preservation of Offchurch, not its enhancement. The scheme as detailed, will provide the necessary addition to having houses from the early 21st century, and will do so in a way that is sympathetic in design and which, given this is a very low density development, will also maintain the "green open spaces" that form part of the specification, and that these spaces are "interspersed" with houses - the very definition of "low density".

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

Section 72 of the Planning (Listed Buildings and Conservation Areas) 1990 imposes a duty when exercising planning functions to pay special attention to the desirability of preserving or enhancing the character of a Conservation Area. Section 66 of the same Act imposes a duty to have special regard to the

desirability of preserving a listed building or its setting when considering whether to grant a planning permission which affects a listed building or its setting.

Paragraph 199 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 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

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

Local Plan Policy BE4 states that the reuse of rural buildings is acceptable where the proposed use or adaptation can be accommodated without extensive rebuilding or alteration to the external appearance of the building, and the proposal retains and respects the special qualities and features of listed and other traditional rural buildings.

The application site is an integral part of the village and is an important site. Each element of the scheme is turned to below.

### *Offa House*

Offa House is a good surviving example of a vicarage or rectory of its period, providing evidence of the social and religious life of the village over a continuous period since its construction. Its historic value is enhanced by the evidence of the then incumbent's involvement in the substantial extension of the original property. The house's architectural interest is based on the treatment and fine proportions and detailing of its original front, and on the successful integration of the ambitiously scaled later domestic expansion.

There is no objection to the principle of restoring and making alterations to Offa House, such as the proposed internal restorative work, installation of dormers and roof lantern, removal of modern wings and removal of the intrusive fire escape.

Under the previous application, a single storey side extension was also proposed, which was considered to be harmful to the listed building. This was removed from the scheme for the appeal process and also has not been included as part of the current proposal.

A single storey rear extension is proposed, which is similar in scale to that which was proposed under the last application. The Inspector as part of the appeal determined that this addition would not overpower the property and that subject to detailed design, an extension could be accepted as a clearly new further chapter in the house's history.

The Conservation Officer has commented on this part of the proposal, and has no objection to the alternations to Offa House, subject to confirmation of the materials to be used. Historic England also confirm the alterations to Offa House to be acceptable. Some members of the Conservation Area Forum (CAF) however considered the extension to be overbearing.

Given the notable improvements to the listed building derived from the removal of incongruous modern additions to the property and conclusions from the Inspector regarding the similar single storey rear extension, it is concluded that the alterations to fabric of Offa House are acceptable.

#### *The Coach House / Property C*

The Inspector for the appeal stated that, *"The coach house is virtually hidden from view by the topography of the site, which provides a very generous plot. The extent of the grounds provides a spacious immediate setting for the listed building. I agree with the Council that the scale of the plot, befitting the house's status, contributes to its significance."*

The previous scheme consisted of an extension to the Coach House, to provide a new dwelling. This proposal is materially different in that a new dwelling would be positioned close by, but not attaching to the existing Coach House. The large existing wall attaching to the Coach House would be retained, with a parking area provided next to it. Access to the dwelling would be provided through an existing opening in the wall, leading to a formal garden area and the L-shaped two and single storey dwelling. The Planning Statement describes the design of Property C as emulating a traditional coach house style property, complementing the age and existing character of Offa House.

The Conservation Officer has assessed Property C and notes that it would be substantially larger in terms of volume, height and massing when compared to the curtilage listed outbuilding. The visuals presented show that this is clearly visible from the 2 storey bay window of Offa House and its rear elevation creates a strong impression of increased urbanisation that is harmful to the setting of Offa House. Officers agree with the Conservation Officer that Property C clearly overwhelms the adjacent curtilage listed outbuilding. Its design also creates an inappropriate impression of grandeur that appears alien within the direct setting of a Georgian Vicarage. Although the coach house is now a free-standing structure, the visuals submitted demonstrate that the legibility of the coach house would largely be diminished given the dominance of the proposed dwelling, reducing the legibility of the coach house as an ancillary building to Offa House.

Members of the CAF debated the impact of the two additional dwellings, stating that they may overwhelm or be in competition with the existing Coach House

and the neighbouring Lodge Cottage. It was felt the size and scale of the houses could give the feel of a small rural housing estate rather than a country house and grounds with the new dwellings possibly going beyond enabling development.

Moreover, Officers consider that the proposal to provide a large building next to the existing listed Coach House and enclose it through the introduction of additional boundary treatments fundamentally affects the significance of the listed building, through the substantial reduction of the plot size which it would benefit from. As noted above, the Inspector identified the sizeable plot in which it is situated as an important part of the Coach House's significance.

Giving the competing nature of the Property C with the Coach House and fact that it would be absorbed into the curtilage of the proposed dwelling, severing it from Offa House, its heritage value as an historic service building would be fundamentally compromised, causing harm to the special interest of the listed building of which it forms part.

It is noted that Historic England consider that the scheme for the Coach House to be satisfactory. However, Historic England have provided little commentary on how they have reached this conclusion, and in any event, for the aforementioned reasons, Officers have taken a different view.

It should also be noted that a new wall is proposed adjacent to the Coach House. This will act as a boundary marker for the new dwelling and as a retaining wall. This is likely to be a sizeable structure, and the plans show this connecting to an existing wall which is connected to the Coach House. The agent has however stated that there would be a small gap between the walls. Officers have requested details of the wall (design, height, materials, details of the gap between the walls) in order to make an assessment of the impact of the development on the listed buildings, however, this has not been forthcoming. Officers therefore have insufficient information to assess this part of the proposals.

#### *Property D*

Property D is proposed adjacent to the highway and next to Lodge Cottage. It is a two and single storey building which would be L-shaped. This element of the proposal is materially different to that which was proposed under the previous scheme as a completely new build property (rather than formed from the existing extensions serving Offa House). The Planning Statement describes the design of this dwelling as similar to that of a converted barn, ensuring an ancillary relationship with Offa House and Lodge Cottage, whilst seeking to complement the character of other properties in the street scene.

The Conservation Officer considers that whilst Property D is small relative to the overall size of Offa House, it appears dominant in terms of bulk and massing on the street scene and overwhelms the modest Lodge Cottage building. The Lodge Cottage, located adjacent to the driveway of Offa House, clearly contributes towards the setting of the principal listed building and the proposal diminishes the contribution that the building makes towards the setting of Offa House and the Conservation Area. Lodge buildings are also typically isolated from the main

house and therefore a new house in greater volume would appear alien in this context.

Officers agree with these conclusions. It is also noted that whilst supporting the application, the Parish Council raise concerns regarding 'Property D' and impact on the village street scene. They consider that the removal of trees and the proximity of the building to the boundary will significantly change the street appearance. They note that when viewed from the west, at Park Gates the road rises when entering the village and consequently, a sizeable part of the new building elevation would be visible, rather than the current brick boundary wall.

It is noted that Historic England have stated that the proposal for the new house adjoining Lodge Cottage has a low impact on the setting of the main house and on the character of the Conservation Area. However, again, Historic England offer no explanation of this stance, and Officers do not agree with these comments for the aforementioned reasons.

#### *Subdivision of the site*

*The Inspector stated in reference to the previous application that, "I agree with the Council that the subdivision of the existing site to create self-contained residential plots would have an intrusive urbanising effect that would detract from the setting of the listed building. The historic map evidence does not confirm actual past subdivision, for which no conclusive evidence has been found on the ground, as the purpose and history of the one fragment of brick wall are unclear. The contribution to the listed building's significance made by its setting would be harmed."*

The Conservation Officer reiterated that the stance of the Planning Inspectorate is clear – any proposal to subdivide the site results in harm to both the setting of the listed building and the appearance and character of the Conservation Area. The Conservation Officer acknowledges that the topography of the site assists in mitigating some harm associated with the proposed subdivision, however Property C is highly visible when viewed from the architecturally significant bay window to Offa House. The dominance of the proposed dwelling dwarfs the existing coach house and gives a clear impression of subdivision.

WCC Landscape also note that the two proposed dwellings are of a substantial size and do not relate well to the existing dwellings of Offa House and Lodge Cottage. Property C appears to have as large a footprint as Offa House, with the existing Coach House in addition, and therefore Offa House will no longer read as the principal building on the site. They consider that likewise, Property D is considerably larger than Lodge Cottage and will visually dominate it.

The scheme is materially different to the previously refused scheme, in that the layout leaves more curtilage available for Offa House, using the typography of the site and hedgerow to delineate in the main where the boundaries between the properties would lie. Previously, estate fencing separated the site. However, given the conclusions from the Inspector regarding the historic layout of the site and fact that the proposals would still reduce the garden area serving Offa House, providing two new dwellings within relatively close proximity of the listed building, which would diminish its significance, Officers conclude that the

subdivision of the site would still be harmful. Moreover, the urbanisation and affect on the views from Offa House further exacerbate the impacts of the splitting of the site.

The applicant suggests that Property D would actually be located within the curtilage of Lodge Cottage, thus not sited within the curtilage of Offa House. However, a curtilage listed building cannot (by their very nature) have a curtilage that lies outside the curtilage of the principal listed building. In addition, there is no evidence to suggest that Property D is located wholly within the curtilage of the Lodge Cottage. This stance is therefore not supported.

### *Conservation Area*

Offa House requires a substantial open garden to protect its special historical interest and significance. A substantial garden with open views of the surrounding land and wider countryside is integral to Offa House's historic character, identity and status in the village. This adds value to the Conservation Area.

*The Inspector stated that "The character and appearance of the conservation area are heavily influenced by the inclusion within the designation of large areas of green space between buildings, some of which allow views through to the open countryside beyond. Offa House makes an important contribution to the character and appearance, both as a key historic building in the village and its garden as undeveloped green space."*

*The Inspector concluded, "As the quality of the site's green space contributes to the character of the conservation area, its subdivision and development as individual house plots would detract from that character, even though the site is screened from many public viewpoints. The character of a conservation area also depends greatly on the heritage value of the buildings it contains. Harm to the special interest of a key listed building in the village must inherently have an adverse effect on the conservation area's significance. In this case, the harm to the listed building due to insensitive alterations, the extension to the coach house and the poor relationship of the other house with the main building would all be detrimental to the character of the conservation area."*

Officers have concluded above that the development would still have a harmful impact in terms of splitting the site and in terms of the significance of Offa House, the Coach House and Lodge Cottage. The overwhelming and alien nature of Property C on the Coach House, the overbearing nature of Property D on Lodge Cottage and harmful impacts of the subdivision of the open green space of the site are therefore considered to have a harmful impact on the character of the Conservation Area.

### *Conclusions*

Given the nature of the development, proximity of the development and typography of the site, the proposals are not considered to have a harmful impact on the nearby listed church.

However, whilst there are benefits brought about as a result of the removal of incongruous additions to Offa House, there would also be a significant degree of harm caused to the setting of both of the listed buildings within the site boundary, the Lodge Cottage and also to the Conservation Area. This harm is considered to be less than substantial. The public benefit of the delivery of additional housing is offered limited weight given the small number of additional dwellings proposed and fact that the Council has a 5+ year housing land supply.

It is noted that some of the CAF and supporters of the proposal considered that the new houses were of an attractive and well thought out design, located at the boundaries of the site thereby preserving optimum green space. However, for the aforementioned reasons, Officers disagree with these statements.

Moreover, within the Inspector's decision, it was noted that whilst the use as a dwelling would be highly appropriate for Offa House, given its past institutional use, there is insufficient evidence to conclude that it would be the optimum use. The applicant proposes that the development would ensure the optimum use of the property as a residential dwelling. However, the residential use of Offa House has already been implemented. There is no enabling case presented to suggest that the works proposed are required in order to deliver the works to Offa House.

The applicant suggests that other public benefits of the scheme are the delivery of the objectives of paragraph 79 of the NPPF in terms of the provision of housing which enhances or maintains the vitality of rural communities. However, this would attract limited weight owing to the Council's 5+ year housing land supply and fact the that it would provide only two dwellings.

The applicant suggests that another public benefit is raising the standard of design in rural communities. Officers do not agree that this is a benefit, owing to the level of harm identified above.

The applicant states that a public benefit is the significant reduction of hard standing across the site. As discussed above this is offset in terms of the proposed development and harm to the openness of the Green Belt.

The applicant states that a 10% biodiversity net gain is a public benefit of the scheme. However, whilst a biodiversity net gain is welcomed, this has not yet be confirmed by WCC Ecology as being achievable. In any event, if this is confirmed by WCC Ecology, this is not considered to outweigh the significant degree of harm identified above.

The applicant states that another public benefit is avoiding the fallback position of retaining the unsympathetic additions. Officers consider however that it has not been demonstrated that this is the only scheme which would facilitate the removal of the incongruous additions to the property.

The applicant states that the fact that Historic England and the Georgian Society raise no objection to the proposal means that the development should be considered as acceptable and should be approved. However, Historic England were consulted in relation to the impact of the proposed development on the listed church which neighbours the site. Whilst their comments on the proposal

have been taken into consideration, it is the duty of the Council's Officers to weigh the balance of the scheme as a whole and come to a planning judgement based on all of the information provided. The Council's Conservation Officer has provided a detailed and well-justified case in relation to the harm caused to heritage assets. From the information provided, Officers have not been presented with any additional information to justify a departure from Officers' professional views. The Georgian Society who have been consulted on the proposal, have not responded to the consultation.

Therefore, it is considered that when taking all of the above information into consideration, the proposed development would have a harmful impact on the listed buildings and their setting, and the Conservation Area. The harm identified is considered to be less than substantial, however, the public benefits are considered to be limited and are not considered to outweigh the significant harm identified above. The development is also considered to have a harmful impact on the street scene and fails to respect surrounding buildings in terms of scale, height, form and massing, and has a harmful impact on the character of the area. The development is therefore considered to be contrary to the NPPF and Local Plan policies BE1 and HE1.

#### Archaeological Impact

WCC Archaeology have assessed the application and note that the application site lies within an archaeologically sensitive area, within the probable extent of the medieval settlement of Offchurch and is adjacent to the Church of Saint Gregory a Grade II\* listed building, probably dating from the 11th or 12th century. There is a potential that the proposed development could disturb archaeological remains relating to the medieval occupation of Offchurch, such as structural remains, boundary features or rubbish pits. They therefore recommend that a condition is attached requiring the provision of a written scheme of investigation and an Archaeological Mitigation Strategy document. This is considered to be reasonable and the condition could be added if the application were being approved.

The proposal is therefore considered to be in accordance with Local Plan Policy HE4.

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

Warwick District Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. Development should not cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion. The Residential Design Guide SPD 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.

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



The nearest residential property to the application site is the Lodge Cottage to the south of the site. Given the typography of the site, Property D would be set down from this neighbour. There are windows at ground and first floor which would face towards the proposed dwelling. Property D would be single storey where it is positioned near the shared boundary with the neighbour. Whilst the ground floor window facing west of the site would be a primary window serving a habitable room, there is no minimum distance separation required to a single storey side facing elevation. The first floor side facing window serving Lodge Cottage would have views over the roofslope of Property D, providing sufficient outlook and privacy.

The proposal also references alterations to the garden of Lodge Cottage, making this area of private amenity space smaller in order to accommodate Property D. During Officers' site visit, this work had already been carried out. The garden area serving Lodge Cottage would still meet the minimum size requirement set out within the Council's Residential Design Guide, thus this alteration is considered to be acceptable.

It is considered that the proposed development would have an acceptable impact on neighbouring residential amenity.

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

All of the proposed dwellings would provide adequate living conditions for their future occupiers and would provide adequately sized private amenity areas in accordance with the Council's adopted Residential Design Guide SPD.

It is noted that the first floor side facing window serving Lodge Cottage would have some views down into the courtyard garden area serving Property D at a reasonably short distance from the boundary. However, the future occupiers of Property D would also have a rear garden which is more likely to be used by the future occupiers given that it is larger and further from the road, which is private apart from occasional views into this area which the occupiers of Property C could obtain when accessing the site. With this in mind, and considering the constrained nature of the site in other regards, on balance this arrangement is considered to be acceptable.

The development is therefore considered to provide adequate living conditions for the future occupiers of the dwellings and would not have an unacceptable harmful impact on neighbouring residential amenity. The proposed development is considered to be in accordance with the NPPF, adopted Local Plan Policy BE3 and the Council's Residential Design Guide.

#### Car Parking and Highway Safety

Offa House would be accessed via the existing driveway and the proposed dwellings would be served by a new driveway, leading from an existing gated access which is not currently in use.

The Highways Authority have been consulted regarding the proposals. They have no objection to the development.

The proposed development would provide adequate parking in accordance with the Council's adopted Vehicle Parking Standards SPD and there is space within the site boundaries to store cycles.

The development is therefore considered to be in accordance with Local Plan policies TR1 and TR3 and the Vehicle Parking Standards SPD.

### Drainage

The application site lies within Flood Zone 1. Limited details have been submitted in relation to the drainage details for the site. However, the required information could be secured by condition if the application were being approved.

The development is therefore considered to be in accordance with the NPPF and Local Plan Policy FW2.

### Ecological Impact

The application site is a part of a large Ecosite (Offchurch Bury Park Ref. 41/36), which is a non-statutory site identified by the Warwickshire Biological Records Centre (WBRC) as having some ecological value and recorded history.

WCC Ecology have requested information regarding the mitigation measures for bats and how the proposal will achieve a biodiversity net gain. Additional information has been provided by the applicant to address this matter which is with WCC Ecology for consideration. Councillors will be updated on this matter prior to the meeting.

### Waste

Adequate waste storage can be accommodated within the site boundaries and Waste Management have no objection to the proposed development.

### Climate Change

Local Plan policy CC1 states that all development is required to be designed to be resilient to and adapt to future impacts of climate change through the inclusion of adaption measures. Requirements 'a', 'b' and 'c' of the policy (layout, building orientation, construction techniques, materials, natural ventilation, green spaces, water efficiency) could be controlled via condition in the event that the application were being approved. In regards to point 'd' of the policy regarding minimising flood risk, it is noted that the site is located within Flood Zone 1, with the lowest probability of flooding and that the development is not likely to cause increased risk of flooding.

A member of the public states that all development will be carried out to current building control standards, and that this will result in some slightly improved efficiency in Offa House itself, therefore it is the case that far greater building performance will be achieved in the construction of the two additional dwellings. They consider that if this scheme did not include these additional dwellings then

Offa House would simply be restored in isolation and not achieve such impactful outcomes. They state that as part of a wider scheme, the overall average energy efficiency envelope will improve. They conclude that the two additional homes offset the limited potential of the original, leading to an overall net gain in energy efficiency, thus this is the more sustainable option. However, Officers disagree with this interpretation - all proposed dwellings will need to be constructed to a high energy efficiency standard, this is true of any new dwelling. This does not preclude the extension to Offa House being constructed in an energy efficient manner.

Subject to conditions, the proposal is considered to be in accordance with Local Plan policy CC1.

### Impact on Trees

The Tree Officer requested additional information, and an updated Tree Report was provided in support of the application. There are seven trees and one group of trees to be removed to facilitate the development, and replacement tree planting has been proposed to offset the impact of each removal. On this basis, the Tree Officer has no objection, subject to a condition to ensure that the works are carried out in accordance with the details contained within the Tree Report. Officers consider this condition to be reasonable and necessary for the purposes of the development.

It is noted that WCC Landscape raised concerns regarding the loss of trees, stating that it is disappointing that the design and layout of the proposed new dwellings does not seek to retain more of the existing trees. They note that whilst trees can be replaced, it takes many years to reach maturity and provide the same benefits both visually and for climate change, biodiversity etc. Officers acknowledge these comments, but consider that given the replacement planting results in an overall betterment, this would not represent grounds on which to refuse the application.

### Other Matters

Warwick District Council has adopted an air quality and planning supplementary planning document (AQ SPD) (2019) to tackle the cumulative air quality impacts of new development in the district. The AQ SPD 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. The guidance sets out a range of locally specific measures to be used to minimise and/or offset the emissions from new development. The proposed development would be classified as a minor scheme under the AQ SPD and therefore Type 1 mitigation measures will be necessary. The applicant's planning statement proposes the installation of 1no. electric vehicle charging point per dwelling which would be sufficient to satisfy Type 1 air quality mitigation requirements. The provision of electric vehicle charging points could be secured by condition.

The development is therefore considered to be in accordance with Local Plan policy NE5.

The Offchurch Group Parochial Church Council have raised concerns regarding access to the site and boundaries. However, these are not material planning considerations.

A member of the public suggests that the proposal should be considered as self build development and that the proposal will address shortfall of provision of self-build housing. The applicant does not suggest that the dwellings are self-build developments. Notwithstanding this, if the properties were considered as self-build development, Local Plan policy H15 states that proposal for custom and self build housing are encouraged and will be improved in suitable sustainable locations. It gives a list of such locations, including "appropriate locations within infill villages" subject to compliance with Local and national policy, including Green Belt and historic designations. As detailed above, the dwellings do not meet with policies pertaining to the Green Belt or heritage assets.

### **Planning Balance / Conclusion**

Whilst the site is considered to represent a sustainable location for new housing, policy H1 of the Local Plan also requires that housing development on garden land will not be permitted unless the development reinforces, or harmonises with, the established character of the street and/ or locality and respects surrounding buildings in terms of scale, height, form and massing. As discussed above, the proposal is not considered to harmonise well with the street scene, by virtue of the fact that Property D would provide an overbearing form of development which would be harmful to the Lodge Cottage, the character of the area and street scene. WCC Landscape also state that Property D will completely alter the character of the road on the approach to the village, creating a sense of urbanisation when taken with the access to Property C. The proposal is therefore considered to be contrary to Local Plan policy H1.

The proposed development is considered to constitute inappropriate development in the Green Belt which is harmful by definition and by reason of harm to openness. It is also considered to cause less than substantial harm to heritage assets. There are no public benefits or very special circumstances identified which would outweigh this harm. The proposal is therefore considered to be contrary to Local Plan policies DS18, BE1 and HE1. These matters should be offered significant weight.

The applicant notes the level of support from local residents and the Parish Council. However, the Parish Council only in part support the scheme, and many of the comments submitted in support of the application are not from within the District. It is important that local residents are in support of a significant redevelopment such as this in a small village such as Offchurch. However, it cannot be considered that local support for this proposal outweighs the harm caused.

There are some modest benefits of the scheme as a whole, such as the delivery of housing in a sustainable location and heritage benefits to Offa House by removal of incongruous extensions. However, these do not outweigh the significant harm identified above.

For these reasons, the application is recommended for refusal.

## **REFUSAL REASONS**

- 1 Policy H1 of the Warwick District Local Plan 2011-2029 states that housing development on garden land will not be permitted unless the development reinforces and harmonises with the established character of the street and/or locality and respects surrounding buildings in terms of scale, height, form and massing.

In the opinion of the Local Planning Authority, the proposed development would fail to satisfy the requirements of Policy H1 by reason that Property D would provide an overbearing form of development in terms of scale, design and mass which would be harmful to the Lodge Cottage and the street scene. Property D would detrimentally alter the character of the road on the approach to the village, creating a sense of urbanisation when taken with the access to Property C.

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

- 2 The proposed development comprises inappropriate development within the Green Belt which is harmful by definition and by reason of harm to openness. In the opinion of the Local Planning Authority no very special circumstances have been demonstrated which are considered sufficient to outweigh the harm identified. The development is therefore considered to be contrary to the NPPF and Warwick District Local Plan Policy DS18.

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

Policy HE1 of the Local Plan states that development will not be permitted if it would lead to substantial harm to the significance of a designated heritage asset. Where the development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal.

In the opinion of the Local Planning Authority, the proposed development would result in significant harm to designated heritage assets. 'Property C' would overwhelm the Coach House and would be of an alien design which diminishes the significance and legibility of the Coach House as an ancillary building to Offa House. 'Property D' would dominate and detract

from the Lodge Cottage, which contributes to the setting of Offa House, the Conservation Area and street scene.

The proposed dwellings and associated infrastructure have an urbanising affect on the character of the village, setting of the listed buildings and Conservation Area. Furthermore, dividing the site is considered to detract from Offa House and diminish the presence of this substantial house in extensive grounds, which is integral to the historic character of the listed building, and the identity and status of the property within the village. These factors in turn, have a harmful impact on the Conservation Area.

The development is also considered to have a harmful impact on the street scene and fails to respect surrounding buildings in terms of scale, height, form and massing, and thus has a harmful impact on the character of the area.

Insufficient information has also been provided to assess the impact of the proposed retaining wall on heritage assets.

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

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**Planning Committee:** 26 April 2022

**Item Number: 8**

**Application No:** [W 21 / 2267](#)

**Registration Date:** 21/12/21

**Town/Parish Council:** Beausale, Haseley, Honiley & Wroxall

**Expiry Date:** 15/02/22

**Case Officer:** Jonathan Gentry  
01926 456541 [jonathan.gentry@warwickdc.gov.uk](mailto:jonathan.gentry@warwickdc.gov.uk)

**Keepers Cottage, Church Road, Honiley, Kenilworth, CV8 1TJ**  
Demolition of existing dwelling and outbuildings and erection of replacement dwelling with all associated works FOR Honiley Estates Ltd

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This application is being presented to Planning Committee as the Parish Council supports the application, five public support comments have been received, and it is recommended for refusal.

### **RECOMMENDATION**

Members are recommended to refuse planning permission for the reason listed at the end of this report.

### **DETAILS OF THE DEVELOPMENT**

This application comprises the proposed demolition of the existing dwelling and outbuildings and the erection of a replacement dwelling house with all associated works.

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

The application site relates to a detached two storey property positioned within a rural context approximately 600 metres to the east of Church Road, near the small settlements of Honiley, Haseley Knob and Beausale. The site is accessed via a private farm track, which also provides access to 4no. adjacent properties which lie directly west of the application site and front onto the track. The application property is positioned centrally within its sizable, square plot, although it is set somewhat further rearward than other the adjacent dwellings. In addition, the application property features a comparatively narrow two storey frontage, its mass extending rearward and adjoining a sizable garage/workshop structure to the rear of the site. Adjacent to the garage structure lies a sizable hardstanding courtyard area, which also provides access to a detached outbuilding positioned at the northeast edge of the site area. Excluding its western boundary, the site faces onto open countryside and areas of woodland. The application site is situated outside any village boundary as defined by the WDC Local Plan and is washed over by Green Belt.

## **PLANNING HISTORY**

There is no planning history relating to this site.

## **RELEVANT POLICIES**

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- DS18 - Green Belt
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice
- TR3 - Parking
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- H13 - Replacement Dwellings in the Open Countryside
- FW3 - Water Conservation
- CC1 - Planning for Climate Change Adaptation
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Parking Standards (Supplementary Planning Document- June 2018)

## **SUMMARY OF REPRESENTATIONS**

**Beausale, Haseley, Honiley & Wroxall Parish Council** - Members support the application

**WCC Ecological Services** - Following submission of additional bat survey information - no objection, subject to conditions.

**WDC Arboricultural Consultant** - No objection, subject to condition.

**Public Response - Five support comments received on the following grounds:**

- Existing dwelling is of poor quality and condition
  - Replacement dwelling is of a more attractive design and is more sustainable
- Replacement dwelling will improve local housing stock

## **KEY ISSUES**

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

The application site lies within the Green Belt and it is necessary to assess the proposal under Section 13 of the NPPF and Policy DS18 of the Warwick District Local Plan. The NPPF states that new buildings shall be regarded as inappropriate



development which is, by definition, harmful to the Green Belt. Exceptions are set out in paragraph 149 of the Framework.

Paragraph 149 of the NPPF consistent with Policy H13 of Warwick District Local Plan sets out those categories of new buildings which may be regarded as not being inappropriate in the Green Belt, including the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. Neither local nor national policy outlines specific guidance as to what may be considered a 'material' enlargement to an existing dwelling. As such, this is considered on an individual basis dependent on site specific factors. Notwithstanding this, any significant increase in volume or area to a replacement building is likely to be considered material. Based on local appeal decisions, an approximate figure of 5% larger can be permitted under this exception.

Explanatory Text of Policy H13 outlines that where a replacement dwelling is sought, the applicant will be required to demonstrate the reason for replacement with qualified evidence as necessary. A justification for replacement has been submitted to accompany the application, which outlines issues regarding the current condition of the building and a number of age-related internal insulation and ventilation issues. Officers acknowledge and accept the reasoning behind the proposal with specific reference to the issues raised in this instance.

In terms of assessing whether the proposed replacement dwelling is materially larger than the existing, Officers note the following:

The primary brick-built element of the existing dwelling is of comparatively compact proportions, sitting centrally within the plot area. However, the site also features a group of large flat roof outbuilding structures to its rear. While one of these structures directly adjoins the main dwelling, the other, a detached structure, stands some 15 metres away to the far north-eastern extend of the site. The submitted scheme includes calculation details regarding the scale of the proposed replacement dwelling in comparison to the existing site including outbuilding structures, which area all to be replaced under the scheme.

Case law has established that 'building' should not be read as excluding more than one building, providing as a matter of planning judgment they can sensibly be considered together in comparison with what is proposed to replace them. The agent has submitted a Planning Statement Addendum and additional supporting information to suggest that the detached outbuilding should be considered as part of the overall building mass when assessing scale etc. However, Officers do not view that it is appropriate to include the area/volume contributed by the detached outbuilding in any calculation of scale for the replacement dwelling, given its significant distance and degree of separation from the main building. This results in a view that the detached outbuilding structure should not be reasonably considered together with the other mass of built form on site.

In addition to the considerations outlined above, Officers note that despite being removed as part of the outlined development proposal, a replacement detached outbuilding of considerable scale could subsequently be erected within the site area under the provisions of Permitted Development. Such development if implemented would thus result in additional harm to the Green Belt above that of

the replacement dwelling's additional volume. Officers view it is unreasonable to apply a condition which would remove permitted development rights in this instance given relevant guidance outlines that such approach should only be applied in exceptional circumstances. In any case this would only take effect once the development has commenced, which means that new outbuildings could be built in the interim.

When this outbuilding structure is excluded from the area/volume calculations of the existing site, figures of approximately 220sq m floor area & 635 m<sup>3</sup> volume are estimated. The proposed replacement dwelling structure would feature a floor area of approximately 280sq m and a volume of 912 m<sup>3</sup>. Given that this results in a calculated increase in floor area of approximately 27% and volume of approximately of 43% larger, Officers consider that the replacement structure is materially larger.

Policy H13 also outlines that replacement dwellings must have no greater impact on the character and openness of the rural area, with explanatory text noting that in terms of scale, architectural form and materials, any replacement must not be more dominant than the existing dwelling within the landscape.

The replacement structure features a considerably larger two storey area that spans a much greater width across the site, resulting in visual harm to openness of the setting. Officers acknowledge that this impact is mitigated to some degree by a much-reduced sprawl of development across the site area achieved through removal of existing hardstanding and outbuilding structures and consolidation of form. However, given its significant increase in two storey mass, the development is considered to result in a form more dominant than the existing dwelling within the landscape.

These considerations have directed a view that the proposed replacement dwelling would comprise a material enlargement when assessed against that existing, and as such constitutes inappropriate development within the Green Belt.

Mindful to a potential assessment in line with that set out above, the agent has proposed a number of site-specific factors in support of the scheme with attempt to make a case for very special circumstances. These comprise the removal of existing unattractive buildings, enhanced energy efficiency, lack of amenity impact to the neighbouring site and more desirable garden layout. While Officers agree that these factors do act as considerations in support of the scheme, they are not viewed either separately or in combination to amount to very special circumstances that clearly outweigh the identified harm to openness identified as directed by the NPPF. These could be easily repeated across the Green Belt and are therefore not considered to be very special.

Officers therefore consider that the proposed development fails to accord with Local Policies H13, DS18 and the NPPF.

#### Impact on design and character

Warwick District Council's Local Plan 2011 - 2029 Policy BE1 outlines that development will be supported where constructed using appropriate materials and

seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area.

The existing dwelling on site is set somewhat further rearwards within the plot than those that neighbour it to the west, and features a comparatively compact frontage area, with the bulk of its volume extending rearwards. The dwelling is not of any notable architectural or historic value, and no objection is raised to its demolition in principle.

The proposed replacement dwelling is of a considerably larger frontage area, which is considered to increase its dominance within the setting. However, in terms of design the dwelling has been appropriately laid out and would generally harmonise with other adjacent sites along the access road. Facing brick and plain tiles are proposed as facing materials, which would accord with surrounding development appropriately. Similarly, fenestration and detailing are considered appropriate. Owing to revisions to ground level and modestly reduced ridge height, the replacement dwelling would sit slightly lower within the plot than the existing dwelling, mitigating its increased frontage area.

Officers consider that the proposed scheme lies broadly in keeping with the surrounding area in architectural terms and would not cause harm to the character of the area. As such, it is considered to accord with Policy BE1 of the Local Plan.

#### Impact on residential amenity

Policy BE3 of the Warwick District Local Plan seeks to ensure that the amenities of the occupiers of nearby residential properties are not harmed by the proposed development.

The only immediately adjacent neighbouring dwelling is Wakefield House, positioned to the west of Keepers Cottage. By virtue of its scale and position, the proposed replacement dwelling is not considered to result in material harm by reason of loss of light or outlook. The scheme would not result in any breach of the WDC 45-degree line guideline.

In addition, while the existing dwelling features two side facing windows directing views towards this neighbour at first floor level, the proposed replacement limits fenestration to ground floor level to its western elevation. As a result, no harm by way of loss of privacy or overlooking of neighbouring dwellings is considered to result from the development.

As all other nearby residential buildings are positioned beyond Wakefield House to the west and are not considered to be materially impacted by the proposal in terms of amenity.

In considering the amenity afforded to future occupiers of the proposed replacement dwelling, Officers note that all habitable rooms would benefit from appropriate levels of light and outlook. In addition, the site area as proposed would retain outdoor private amenity space well in excess of the 60sq metres prescribed within the WDC Residential Design Guide SPD.

With mind to the above assessment the scheme is considered to appropriately accord with Local Plan Policy BE3.

#### Impact on ecology and biodiversity

Policy NE3 and NE4 of the Warwick 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 proposed development would result in demolition of existing buildings on site. A Bat Survey Report prepared by Paxford Ecology was submitted to support the application. This report highlighted a number of active bat roosts within existing structures and recommended a range of mitigation measures. As part of these measures, two large bat loft areas has been proposed within the replacement dwelling structure.

The County Ecologist commented on the proposed development, requesting a number of clarifications regarding the submitted information, to which responses were subsequently issued by Paxford Ecology. Following the provision of the requested additional information, the consultee Ecologist issued a further response outlining that their questions had been suitably addressed. In light of the overall findings, three planning conditions relating to the completion of further bat surveys, implementation of mitigation measures and installation of 6 bird boxes is recommended.

Officers consider that imposition of the noted conditions will secure the range of measures required to avoid harm to the identified protected species present on site, and thus ensure adherence with relevant local and national policy. As such, the proposed conditions are viewed reasonable and necessary. Additional advisory notes in relation to nesting birds and hedgehogs were recommended, measures deemed appropriate by Officers.

With mind to the above the application is viewed in accordance with Policies NE3 and NE4.

#### Parking and Highway Safety

Policy TR1 of the Warwick District Local Plan seeks to ensure that there is a safe and convenient access to serve new development and Policy TR3 and the Parking Standards SPD seek to ensure that sufficient off-street parking is provided. Details submitted to support the application illustrate that there would be no change to the existing access arrangement into the application site, a long farm track that extends from Church Road some 600m to the west. As such, no highways safety implications are viewed to result from the development.

A revised landscaping layout to the forward site area contains a sizable driveway/parking area that would comfortably accommodate the 3 vehicle parking spaces required in order to accord with specification of the Parking Standards SPD for a dwelling of four bedrooms.

As such, the application is considered to accord with Policies TR1 and TR3.

### Low Emissions

As the scheme proposes the erection of a four-bed property, there is potential for a modest increase in transport usage in comparison to the existing three bed property. While a minor implication, the proposed scheme has illustrated the installation of an EV charge point within the adjoining garage area. The development is therefore viewed to accord with the Council's adopted Air Quality SPD and Policy NE5 in this regard through proposing an appropriate form of mitigation. A condition requiring the installation and details of the charging point may be applied to secure the necessary installation.

### Water Efficiency

In order to achieve appropriate standards of water efficiency in line with Local Plan Policy FW3 a condition to ensure compliance could be applied.

### Waste

Appropriate waste and recycling storage layout has been illustrated on the proposed replacement dwelling layout plan. The proposal is therefore considered acceptable in this regard.

### Sustainability

In the event that the proposal was to be deemed acceptable, a condition requiring compliance with Policy CC1 could be applied.

## **SUMMARY / CONCLUSION**

Officers consider that the proposed development constitutes inappropriate development in the Green Belt by virtue of being materially larger, which is harmful by definition and by reason of harm to openness. No very special circumstances which outweigh the harm identified are considered to exist and it is therefore recommend that planning permission be refused.

## **REFUSAL REASONS**

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

The proposed development is therefore contrary to the National Policy Framework and to Policy DS18, H13 of the Warwick District Local Plan 2011-2029.

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**Planning Committee:** 26 April 2022

**Item Number:** 9

**Application No:** [W 22 / 0194 LB](#)

**Town/Parish Council:** Leamington Spa  
**Case Officer:** Jane Catterall

**Registration Date:** 15/02/22

**Expiry Date:** 12/04/22

01926 456533 [jane.catterall@warwickdc.gov.uk](mailto:jane.catterall@warwickdc.gov.uk)

**22 Augusta Place, Leamington Spa, CV32 5EL**

Repair of garden wall pillar FOR Mr B Gifford

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This application is being presented to Committee because the applicant is a District Councillor.

**RECOMMENDATION**

Planning Committee is recommended to grant Listed Building Consent, subject to the conditions listed at the end of this report.

**DETAILS OF THE DEVELOPMENT**

This application is for Listed Building Consent for the repair and rebuilding of a historic boundary wall which is currently in a state of dilapidation due to mortar loss and vegetation.

**THE SITE AND ITS LOCATION**

The application property is a Grade II-listed dwelling located within the Royal Leamington Spa Conservation Area. The application relates to a brick pillar and adjoining wall which run along the western boundary of the site, adjacent to Portland Place East.

**PLANNING HISTORY**

There is no relevant planning history

**RELEVANT POLICIES**

- National Planning Policy Framework
- [Warwick District Local Plan 2011-2029](#)
- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- [Royal Leamington Spa Neighbourhood Plan 2019-2029](#)
- RLS3 - Conservation Area

**SUMMARY OF REPRESENTATIONS**

**Royal Leamington Spa Town Council** - No objection.

## **ASSESSMENT**

### **Impact on the Listed Building/ Conservation Area**

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 explains that in considering whether to grant permission for developments affecting listed buildings or their setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 of the Planning (Listed Buildings and Conservation Areas) 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 199 of the NPPF states that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Policy HE1 of the Warwick District Local Plan 2011-2029 states that development will not be permitted if it would lead to substantial harm to or total loss of the significance of a designated heritage asset, unless it is demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

The wall in question is comprised of a variation of random bonds, indicating rebuilding over the years, built on a stone plinth. The upper sections appear to be of Flemish Garden Wall bond, primarily consisting of three stretchers to a header laid in an offset pattern. Due to the age of the bricks, the mortar will be lime based to ensure it remains sacrificial in nature in relation to the softer composition of the bricks.

Due to the state of current disrepair of the wall, for which collapse is a future possibility, the work is considered necessary to secure the longevity and appearance of a curtilage listed structure whilst also improving the street scene of this part of the conservation area. This proposal would preserve the special architectural and historic interest of the listed building. The application is therefore recommended for approval on the basis that it complies with Local Plan Policies HE1 & HE2, NP Policy RLS3 and the relevant sections of the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990.

A condition is considered necessary in order to ensure that appropriate materials are used, namely any replacement bricks together with the mortar and bond of the boundary wall.

### **Summary/Conclusion**

The boundary wall in question is in a state of disrepair and requires rebuilding to prevent potential future collapse. The repair of the wall is considered necessary secure the longevity and appearance of the setting of a listed building whilst also improving the street scene of the conservation area. The application is therefore recommended for approval, subject to conditions, on the basis that it complies

with Local Plan Policy HE1, NP Policy RLS3 and the relevant sections of the NPPF and Planning Act 1990.

## **CONDITIONS**

- 1 The works hereby permitted shall begin not later than three years from the date of this consent. **Reason:** To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) contained within the Heritage Statement, and specification contained therein, submitted on 22/2/22. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies HE1 and HE2 of the Warwick District Local Plan 2011-2029.
- 3 No development shall be carried out above slab level unless and until samples of the external facing materials to be used including bond pattern of boundary wall, mortar and any new bricks required have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details. **REASON:** To ensure that the proposed development has a satisfactory external appearance in accordance with Policies HE1 and HE2 of the Warwick District Local Plan 2011-2029.

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