

Planning Committee

Tuesday 3 March 2015

A meeting of the above Committee will be held at the Town Hall, Royal Leamington Spa on Tuesday 3 March 2015 at 6.00pm.

Councillor Rhead (Chairman)

Councillor Brookes (Vice Chairman)

Councillor Boad

Councillor Weber

Councillor Mrs Bromley

Councillor Wilkinson

Councillor Mrs Bunker

Councillor Williams

Councillor Ms De-Lara-Bond

Vacancy – Independent Group

Councillor Doody

Emergency Procedure

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

Agenda

Part A – General

*1. Substitutes

To receive the name of any Councillor who is to act as a substitute, notice of which has been given to the Chief Executive, together with the name of the Councillor for whom they are acting.

*2. Declarations of Interest

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

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

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

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

***3. Site Visits**

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

***4. Minutes**

To confirm the minutes of the Planning Committee of 3 February 2015.

(Item 4/Page 1)

Part B – Planning Applications

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

- *5. W14/1834 – 27 Radford Road, Royal Leamington Spa (Item 5/Page 1)**
- *6. W14/1729 – Station Road and 82-90 Priory Road, Kenilworth (Item 6/Page 1)**
- *7. W14/1753 – 1 Goldsmith Avenue, Warwick (Item 7/Page 1)**
- *8. W14/1725 – 2a Church Terrace, Royal Leamington Spa (Item 8/Page 1)**
- *9. W14/1757 – 3 Haseley Court, Birmingham Road, Haseley, Warwick (Item 9/Page 1)**
- *10. W14/1840 – 89 Leam Terrace, Royal Leamington Spa (Item 10/Page 1)**
- *11. W15/0020 – Unit 3, Regent Court, Livery Street, Royal Leamington Spa (Item 11/Page 1)**
- *12. W15/0117 – Nexus House, 10 Coten End, Warwick (Item 12/Page 1)**
- *13. W14/1569 – Mallards Reach, Barford Road, Barford (Item 13/Page 1)**

(*Denotes those items upon which decisions will be made under delegated powers, as previously granted by Council).

Part C – Other matters

***14. DM Appeals Update Report (July 2014 – present)**

To consider a report from Development Services

(Item 14/Page 1)

***15. List of Current Planning and Enforcement Appeals**

To consider a report from Development Services

(Item 15/Page 1)

Please note:

- (a) the background papers relating to reports on planning applications are open to public inspection under Section 100D of the Local Government Act 1972 and consist of all written responses to consultations made by the Local Planning Authority in connection with the planning applications referred to in the reports, the County Structure Plan Local Plans and Warwick District Council approved policy documents.

- (b) all items have a designated Case Officer and any queries concerning those items should be directed to that Officer.
- (c) in accordance with Council's Public Speaking Procedure, members of the public can address the Planning Committee on any of the planning applications being put before the Committee. If you wish to do so, please call 01926 353362 (Monday to Thursday 8:00am to 7:00pm, Friday 8:00am to 6:00pm and Saturday 9:00am to 1pm) or email committee@warwickdc.gov.uk, anytime after the publication of this agenda, but before 12 noon on the working day before the day of the meeting and you will be advised of the procedure.
- (d) please note, that the running order for the meeting may be different to that published above, in order to accommodate items where members of the public - Have registered to address the Committee.
- (e) occasionally items are withdrawn from the agenda after it has been published. In this instance, it is not always possible to notify all parties interested in the application. However, if this does occur, a note will be placed on the agenda via the Council's web site, and where possible, the applicant and all registered speakers (where applicable) will be notified via telephone.

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

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

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

planningcommittee@warwickdc.gov.uk

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The agenda is available in large print on request,
prior to the meeting, by telephoning (01926)
353362

Planning Committee

Minutes of the meeting held on Tuesday 3 February 2015 in the Town Hall, Royal Leamington Spa at 6.00 pm.

Present: Councillor Rhead (Chairman); Councillors Mrs Bromley, Mrs Bunker, Davies, Ms De-Lara-Bond, Mrs Syson, Weber, Wilkinson and Williams.

Apologies for absence were received from Councillor MacKay.

136. **Substitutes**

Councillor Davies substituted for Councillor Doody and Councillor Mrs Syson substituted for Councillor Boad.

137. **Declarations of Interest**

Minute Number 140 – W14/1809 – Land at Foxes Study, Warwick Castle, Castle Hill, Warwick

Councillor Mrs Syson declared an interest because she was present at the Conservation Advisory Forum meeting when the item was discussed.

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

Minute Number 141 – W14/1743 – Hatton Country World, Dark Lane, Hatton

Councillor Rhead declared an interest because the application site was in his Ward.

Minute Number 143 – W14/1664 – Petrol Filling Station, 130 Rugby Road, Royal Leamington Spa

All Planning Committee members and substitutes declared an interest because the application site was located opposite to a fellow Councillor's family business.

In addition, Councillor Mrs Syson declared an interest because the application site was in her Ward.

Minute Number 144 – W14/1807 – 1 Lancaster Place, Kenilworth

Councillor Davies declared an interest because he was speaking in support of the application and would leave the room whilst the item was deliberated and a decision reached.

Minute Number 145 – W14/1678 – Land off, Hill Wootton Road, Hill Wootton

Councillor Mrs Bunker declared an interest because the applicant was known to her.

PLANNING COMMITTEE MINUTES (Continued)

138. Site Visits

To assist with decision making, Councillors Mrs Bromley, Mrs Bunker, Ms De-Lara-Bond, Rhead, Syson and Weber visited the following application sites on Saturday 31 January 2015:

W14/1807 – 1 Lancaster Place, Kenilworth
W14/1678 – Land off Hill Wootton Road, Hill Wootton
W14/1811 – 14 Charnwood Way, Lillington
W14/1664 – Petrol Filling Station, 130 Rugby Road, Royal Leamington Spa

139. Minutes

The minutes of the meeting held on 6 January 2015 were agreed and signed by the Chairman as a correct record.

140. W14/1809 – Land at Foxes Study, Warwick Castle, Castle Hill, Warwick

The Committee considered an application, from Merlin Attractions Operations Ltd, for the proposed use of land as a temporary medieval glamorous camping site for approximately five months between 1 May and 30 September each year, up to and including 2017.

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

The officer considered the following policies to be relevant:

National Planning Policy Framework

The Current Local Plan

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
DAP2 - Protecting the Areas of Restraint (Warwick District Local Plan 1996 - 2011)
DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)

PLANNING COMMITTEE MINUTES (Continued)

DAP11 - Protecting Historic Parks and Gardens (Warwick District Local Plan 1996 - 2011)
RAP15 - Camping and Caravanning Sites (Warwick District Local Plan 1996 - 2011)
RAP16 - Directing New Visitor Accommodation (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
PC0 - Prosperous Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
CT1 - Directing New Tourism, Leisure and Cultural Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
CT2 - Directing New or Extended Visitor Accommodation (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
CT4 - Extensions to Tourism, Cultural or Leisure Facilities in Rural Areas (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
CT6 - Camping and Caravan Sites (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
CT7 - Warwick Castle and Warwick Racecourse/St Mary's Lands (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
HE4 - Protecting Historic Parks and Gardens (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
HE6 - Archaeology (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

It was the officer's opinion that the proposed development was acceptable in principle and did not adversely affect the historic integrity, character or setting of the listed building or the registered park and garden. The proposals preserved the character and appearance of the Conservation

PLANNING COMMITTEE MINUTES (Continued)

Area and did not adversely affect the amenity of nearby residents. The proposal was therefore considered to comply with the policies listed.

An addendum provided at the meeting advised that three further objections had been received, including one from The Warwick Society along with two further comments in support of the application.

The addendum also included an update from the District Council's Conservation Officer and the Environmental Health officer. WCC Ecology had also proposed an additional condition to secure annual pre-commencement checks for protected and notable species and, as necessary, mitigation.

The following people addressed the Committee:

Councillor Mrs Littlejohn, Warwick Town Council in support of the application;

Mr MacKay, Conservation Advisory Forum, Dr Hodgetts, Garden History Society, Dr Hyland, Tree Warden and Mrs Woodward, local resident and Tree Warden all spoke in objection; and

Mrs Butcher, a representative of Warwick Chamber of Trade, and Mr Spooner, on behalf of the applicant, both spoke in support of the application.

Members discussed the economic benefits that the Castle brought to the area and were mindful that this application was the same as the permission granted for temporary permission in February 2014. Councillor Mrs Bunker asked officers if it would be possible to look at adjusting the position of the tents each season to assist with the recovery of the affected ground.

In response, it was agreed that officers would discuss with the applicant the possibility of introducing an element of flexibility regarding the positioning of the tents to assist with ground recovery.

Councillor Mrs Bromley questioned the fact that no noise complaints had been registered with the Environmental Health team but officers assured her that this was correct and was most likely as a direct result of the effectiveness of the noise management plan that was in place.

Members agreed that a liaison group should be set up with representatives from all interested parties and any concerns could be fed into the group for discussion and resolution.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, the Committee

Resolved that application W14/1809 be **granted** subject to the following conditions:

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

PLANNING COMMITTEE MINUTES (Continued)

- (2) the seasonal glamping tents hereby permitted and associated seasonal support facilities/ infrastructure shall only be occupied between 1 May and 30 September each year. That use shall be permanently discontinued on or before 30 September 2017. Annual works to erect the structures/facilities shall not commence more than 3 weeks before 1st May and all seasonal structures, facilities and infrastructure shall have been be completely removed within two weeks after 30th September and the pitches restored to their former condition including their decompaction using 'Terralift' methodology followed by reseedling using an indigenous grass seed mix. A copy of the Terralift completion certificate produced by the decompaction company shall be submitted to the local planning authority by 2nd December each year. **Reason:** To ensure that demountable structures relating to the seasonal element of the scheme hereby permitted are not unnecessarily retained on site and reduce the likelihood of visual deterioration, which may cause the structures/land to become injurious to the amenities of the area contrary to Policies DP1, DAP4, DAP8 and DAP11 of the Warwick District Local Plan 1996-2011 and the aims and objectives of NPPF 2012;
- (3) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings (drawing numbers 353/17-1, 353/17-5, 353/17-6, WCV JTA PR AL 130 P3, 131 P1, 132 P1, 230 P3, 231 P1, 330 P3, 331 P3, 332 P1 & 333 P1) and specification contained therein, submitted on 18 December 2014. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (4) the development hereby permitted shall not commence until a detailed lighting scheme has been submitted to and agreed in writing by the Local Planning Authority. In discharging this condition the Local Planning Authority expects lighting to be restricted around the boundary edges, around known bat roosts and badgers setts, and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and

PLANNING COMMITTEE MINUTES (Continued)

other nocturnal wildlife. This could be achieved in the following ways:

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

The agreed scheme shall be implemented in strict accordance with the approved scheme.

Reason: To ensure appropriate measures are taken in relation to protected species;

- (5) the Noise Management Plan submitted as part of the planning application shall be implemented in full and thereafter all activities taking place pursuant to this planning permission shall be carried out in accordance with its provisions. The plan shall be reviewed and agreed in writing by the Local Planning Authority every year following approval until the expiry of this planning permission.

Reason: To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;

- (6) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no gate, fence, wall or other means of enclosure shall be erected or constructed without a detailed scheme having first been submitted to and approved in writing by the Local Planning Authority. All details shall be carried out as approved and shall not be altered in any way. **Reason:** That having regard to the sensitive nature of the application site it is important to ensure that no further development is carried out which would detract from the appearance of the area in accordance with Policies DP1, DAP4 and DAP11 of the Warwick District Local Plan 1996-2011 and the aims and objectives of the NPPF 2012;

- (7) annual pre-commencement checks are undertaken in relation to protected and notable species and, as necessary, any resulting mitigation measures; and

PLANNING COMMITTEE MINUTES (Continued)

- (8) a liaison group will be set up involving local residents, Warwick Town Council, Warwick Castle and WDC officers to identify and address concerns.

Councillor Weber arrived part way through the public speaking section of this application and therefore refrained from voting on the item.

141. W14/1743 – Hatton Country World, Dark Lane, Hatton, Warwick

The Committee considered an application, from Hatton Country World, for the formation of an earth mound incorporating steps, platform, and two tubes to provide an outdoor slide facility, after removal of the existing maze.

The application was presented to the Committee because there had been more than five letters of support and the officers had recommended refusal.

The officer considered the following policies to be relevant:

National Planning Policy Framework

SSP8 - Hatton Country World (Warwick District Local Plan 1996 - 2011)

Future Use and Development of Hatton Country World - Supplementary Planning

Guidance (2000)

It was the officer's opinion that the proposed development represented inappropriate development, harmful by definition and by reason of harm to openness. Officers felt that no very special circumstances had been provided which could be considered to outweigh the harm to the Green Belt identified and, therefore, the application was contrary to the aforementioned policies and the NPPF and should be refused.

An addendum provided at the meeting advised of a letter of support from Councillor Mrs Sawdon, five further letters of support and one objection being received.

Mr Laister addressed the Committee, on behalf of the applicant, in support of the application.

Members were sympathetic with the applicant's issue of falling visitor numbers and for the need to encourage custom and increase turnover. In addition, Members felt that outdoor recreation and rural economies should be supported.

The height of the construction was debated and how much of a visual impact it would have on the openness of the countryside.

It was proposed by Councillor Williams and seconded by Councillor Brookes that the application should be granted, contrary to the officers' recommendation. This proposal was lost four votes to five.

PLANNING COMMITTEE MINUTES (Continued)

Members felt that the height of the construction was just too large and were disappointed when officers highlighted that there had been no pre-application discussions held with the applicant. Officers assured Members that they would be willing to work with the applicant to help develop a more suitable solution.

Following consideration of the report, presentation, the representation made at the meeting and the information contained in the addendum, the Committee

Resolved that application W14/1743 be **refused** because the National Planning Policy Framework states that inappropriate development in the Green Belt is harmful by definition and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The National Planning Policy Framework identifies that LPAs should regard the construction of new buildings as inappropriate in the Green Belt.

Hatton Country World is located within the Green Belt. In the opinion of the Local Planning Authority, the proposed mound, platform, steps and tubes taken as a whole are considered to constitute a building which is considered to be inappropriate development in the Green Belt, which is harmful by definition and by reason of harm to openness due to the size, bulk and mass of the structure. The proposed development does not fall within any of the exceptions to inappropriate development listed in the NPPF and no very special circumstances have been submitted which would outweigh the harm to the Green Belt

The development is thereby considered to be contrary to the NPPF.

142. W14/1811 – 14 Charnwood Way, Lillington, Royal Leamington Spa

The Committee considered an application, from Mr Bernamont, for the erection of a pair of semi-detached dwellings.

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

The officer considered the following policies to be relevant:

National Planning Policy Framework

The Current Local Plan

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

DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

PLANNING COMMITTEE MINUTES (Continued)

DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS6 - Level of Housing Growth (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS7 - Meeting the Housing Requirement (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
H0 - Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

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

PLANNING COMMITTEE MINUTES (Continued)

It was the officer's opinion that the proposals would have an acceptable impact on the living conditions of neighbouring dwellings and on the character and appearance of the area. The proposals were also considered to be acceptable in terms of parking and highway safety and, therefore, it was recommended that planning permission be granted.

An addendum circulated at the meeting outlined two further objections, details of an amended site plan, an amendment to condition 2 updating the plan numbers and the deletion of condition 6 because the information requested had been supplied on the submitted plans.

Mr Hawkins, a local resident, addressed the Committee in objection to the application.

Councillor Williams advised that although he had not been present at the site visits on Saturday 31, he had undertaken his own visit to the site. He felt that the green area contributed to the health and wellbeing of the local residents and proposed that the application be refused contrary to the officers recommendations. This proposal was supported and duly seconded by Councillor Mrs Bromley.

This proposal was lost four votes to five.

Other Members of the Committee felt that this was a good development and agreed that an additional condition should be added to ensure the removal of the side window to number 14, prior to commencement.

Following consideration of the report, presentation, the representations made at the meeting and the information contained in the addendum, the Committee

Resolved that application W14/1811 be **granted** subject to the following conditions:

- (1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission.
Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) 914-02B & 914-03B, and specification contained therein, submitted on 20 January 2015.
Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) samples of all external facing materials to be used for the construction of the development

PLANNING COMMITTEE MINUTES (Continued)

hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;

- (4) details of the means of disposal of storm water and foul sewage from the development shall be submitted to and approved by the District Planning Authority before the development hereby permitted (other than demolition) is commenced and the development shall not be carried out other than in strict accordance with such approved details. **Reason:** To ensure satisfactory provision is made for the disposal of storm water and foul sewage and to satisfy Policies DP9 and DP11 of the Warwick District Local Plan 1996-2011;
- (5) the development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of any of the dwellings hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **Reason:** To

PLANNING COMMITTEE MINUTES (Continued)

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

- (6) the development hereby permitted (other than demolition) shall not commence until details of the finished floor levels of the dwellings, together with details of existing and proposed site levels on the application site and the relationship with adjacent land and buildings have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with these approved details or any subsequently approved amendments.

Reason: To ensure sufficient information is submitted to demonstrate a satisfactory relationship between the proposed development and adjacent land and buildings in the interests of amenity in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011;

- (7) the development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. **Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;

- (8) the development hereby permitted shall either:

a) be timetabled and carried out to avoid the bird nesting season (March to September inclusive); or

b) not commence until a qualified ecologist has

PLANNING COMMITTEE MINUTES (Continued)

been appointed by the applicant to inspect the vegetation to be cleared on site for evidence of nesting birds (immediately prior to works commencing). If evidence of nesting birds is found works shall not proceed until outside of the bird nesting season (March to September inclusive).

Reason: To prevent possible disturbance to nesting birds, in accordance with Policy DP3 of the Warwick District Local Plan;

- (9) the proposed car parking area for the development hereby permitted shall be constructed, surfaced, laid out and available for use prior to the first occupation of the development hereby permitted, in full accordance with the approved plan. The car parking area shall be retained at all times thereafter and shall be kept free of obstruction and be available for parking for occupants of the development hereby permitted. **Reason:** To ensure that adequate parking facilities are available, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011;
- (10) the development shall not be occupied until visibility splays have been provided to the vehicular access to the site passing through the limits of the site fronting the public highway with an 'x' distance of 2.0 metres and 'y' distances of 43 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within these splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway. **Reason:** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan;
- (11) accesses for vehicles to the site from the public highway Charnwood Way shall not be made other than at the position identified on the approved drawing number 914-02 Rev B. **Reason:** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan;
- (12) neither of the dwellings hereby permitted shall be occupied until an access for vehicles has been provided to that dwelling not less than 3 metres in width for a distance of 7.5 metres

PLANNING COMMITTEE MINUTES (Continued)

into the site, as measured from the near edge of the public highway carriageway. **Reason:** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan;

(13) the access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a bound material for a distance of 7.5 metres into the site as measured from the near edge of the public highway carriageway. **Reason:** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan;

(14) the access to the site for vehicles shall not be used unless a public highway footway/verge crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority. **Reason:** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan;

(15) the access to the site shall not be constructed in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway. **Reason:** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan; and

(16) the side window of number 14 Charnwood Way to be removed prior to commencement.

143. W14/1664 – Petrol Filling Station, 130 Rugby Road, Royal Leamington Spa

The Committee considered an application from McLagan Investments Limited, for the refurbishment of existing petrol filling station to include single storey extensions to the shop, installation of a new ATM pod, installation of a new boundary fence and other external alterations.

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

The officer considered the following policies to be relevant:

National Planning Policy Framework

The Current Local Plan

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

DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

PLANNING COMMITTEE MINUTES (Continued)

DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
UAP3 - Directing New Retail Development (Warwick District Local Plan 1996 - 2011)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

DS1 - Supporting Prosperity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
PC0 - Prosperous Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TCP2 - Directing Retail Development (Warwick District Local Plan 1996 - 2011)
SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
HS7 - Crime Prevention (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

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

It was the officer's opinion that the proposals were considered to be acceptable in terms of car parking, highway safety and in terms of the impact on the vitality and viability of the Rugby Road Local Shopping

PLANNING COMMITTEE MINUTES (Continued)

Centre. Furthermore, the proposals would not harm the living conditions of nearby dwellings and would not harm the character and appearance of the area or the setting of the adjacent Conservation Area. Therefore, it was recommended that planning permission was granted.

An addendum was circulated at the meeting which provided clarification on the air conditioning units and advised that two further objection had been received relating to opening hours.

The applicant had also provided comments outlining the benefits of the application, assuring that the existing trading hours would continue to be used and advising that no objections had been received from Royal Leamington Spa Town Council.

The following people addressed the Committee:

Mr Jones, in support of the application and Councillor Gifford, Ward Councillor, in objection.

Members were advised that the 'click and collect' service had now been omitted from the scheme and agreed that an additional condition should be added to ensure that all lighting was switched off when the petrol station closed.

Following consideration of the report, presentation, and the representations made at the meeting and the information contained in the addendum, the Committee

Resolved that application W14/1664 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (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) (200)03B, (200)04, (300)03B & (300)04, and specification contained therein, submitted on 20 November 2014 & 16 January 2015. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) the development shall be carried out only in full accordance with sample details of the facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority. **Reason:** To

PLANNING COMMITTEE MINUTES (Continued)

ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011;

- (4) no development shall commence until a turning area has been provided within the site to enable vehicles associated with the construction of the development to leave and re-enter the public highway in a forward gear. The turning area shall be retained for the duration of the construction works. **Reason:** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan;
- (5) no customers shall be permitted to be on the premises other than between 0700 hours and 2300 hours. **Reason:** To ensure that the premises are not used at a time which would be likely to cause nuisance or disturbance to nearby residents in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;
- (6) no more than 118 sq m of the sales kiosk shall be used for the display of goods for sale, hire, lease or rental. The area annotated as "back of house" on the approved drawings shall not be used for the display of goods for sale, hire, lease or rental. **Reason:** To protect the vitality and viability of the Rugby Road Local Shopping Centre, in accordance with Policy UAP3 of the Warwick District Local Plan 1996-2011;
- (7) the extensions hereby permitted shall not be used unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **Reason:** To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual amenity in accordance with Policies DP1, DP2 & DP8 of the Warwick District Local Plan 1996-2011;
- (8) best practicable means shall be employed at all times to control noise, dust and vibration from construction works on the site. Construction work which is likely to give rise to noise nuisance shall not take place before 0730

PLANNING COMMITTEE MINUTES (Continued)

hours or after 1700 hours on Mondays to Fridays or before 0730 hours or after 1300 hours on Saturdays. No construction work shall take place on Sundays or Bank Holidays. There shall be no deliveries associated with the construction of the development hereby permitted before 0800 hours or after 1630 hours on Mondays to Fridays or before 0800 hours or after 1300 hours on Saturdays or at any time on Sundays or Bank Holidays.

Reason: To protect the amenities of surrounding properties, in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011;

- (9) 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 have been submitted to and approved in writing by the local planning authority and such works, and use of that lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details. **Reason:** To protect the living conditions of nearby residents, in accordance with Policies DP2 and DP9 of the Warwick District Local Plan 1996-2011;
- (10) no plant or equipment shall be installed other than in strict accordance with the conclusions and recommendations of a noise assessment (in accordance with BS4142:2014) that shall have been submitted to and approved in writing by the local planning authority. Any sound attenuation measures recommended in the noise assessment shall be implemented in strict accordance with the approved details and thereafter shall not be removed or altered in any way. **Reason:** To ensure that the premises are not used in a manner prejudicial to or likely to cause nuisance or disturbance to the occupiers of nearby properties in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011; and
- (11) all external lighting will be switched off when the petrol station closes.

144. W14/1807 – 1 Lancaster Place, Kenilworth

The Committee considered an application, from Mr Pope, for the proposed erection of a first floor side extension.

PLANNING COMMITTEE MINUTES (Continued)

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

The officer considered the following policies to be relevant:

National Planning Policy Framework

Current Local Plan

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)

Emerging Local Plan

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

Guidance Documents

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

It was the officer's opinion that the proposed first floor side extension was not considered to be of acceptable design, by virtue that it would reduce the openness of the corner plot and alter the scale and character of the original dwelling which was contrary to the Residential Design Guide, current Local Plan policy DP1 and emerging Local Plan policy BE1 which would support a reason for refusal.

An addendum circulated at the meeting advised that the applicant had submitted an email to clarify their position and explain why the application should be supported.

Councillor Davies, Ward Councillor, addressed the Committee in support of the application. He then left the room whilst the item was discussed and a decision reached.

PLANNING COMMITTEE MINUTES (Continued)

Members agreed that the site visit had been useful and felt that there would be ample screening of the extension due to the high number of trees in the area. They were also mindful that Kenilworth Town Council had no objection to the application.

It was therefore proposed by Councillor Brookes, seconded by Councillor De-Lara-Bond that the application should be granted, contrary to the officers' recommendation and subject to appropriate conditions.

Following consideration of the report, presentation, the representations made at the meeting and the information contained in the addendum, the Committee

Resolved that application W14/1807 be **granted** contrary to officers' recommendation and subject to appropriate conditions.

145. W14/1678 – Land off Hill Wootton Road, Hill Wootton

The Committee considered an application, from Mr Wigglesworth, for the erection of one new dwelling.

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

The officer considered the following policies to be relevant:

National Planning Policy Framework

The Current Local Plan

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

PLANNING COMMITTEE MINUTES (Continued)

DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS6 - Level of Housing Growth (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS7 - Meeting the Housing Requirement (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
H0 - Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

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

It was the officer's opinion that the proposed development was acceptable in principle and would not cause unacceptable harm to the character or openness of the Green Belt or visual amenities of the street scene. Furthermore, the proposal would not adversely affect the amenity of nearby residents and was therefore considered to comply with the policies listed.

An addendum circulated at the meeting advised of an update to the heritage section of the report.

Councillor Mrs Gallagher addressed the Committee in support of the application, in her capacity as Ward Councillor.

Following consideration of the report, presentation, the representation made at the meeting and the information contained in the addendum, the Committee

Resolved that application W14/1678 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this Item 4 / Page 21

PLANNING COMMITTEE MINUTES (Continued)

permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);

- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 5104/04; 5104/01; 5104/06; 5104/07; 5104/03; 5104/02 and specification contained therein, submitted on 14th November 2014 and approved drawing(s) 5104/5A and specification contained therein, submitted on 23rd December 2014. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) the development shall be carried out only in full accordance with sample details of the facing, roofing and paving materials which shall have been submitted to and approved in writing by the local planning authority. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011;
- (4) no use of the development hereby permitted shall commence unless and until a pavement and verge crossing has been constructed to the site in strict accordance with the approved drawings. **Reason:** To ensure that a pavement and verge crossing is available for use when the development commences thereby enabling safe and convenient access to and egress from the site in the interests of the safety of road users and pedestrians in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;
- (5) the development hereby permitted shall be carried out in strict accordance with details of surface and foul water drainage works that shall have been submitted to and approved in writing by the local planning authority. **Reason:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011;

PLANNING COMMITTEE MINUTES (Continued)

- (6) the development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which shall have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the dwelling hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011;
- (7) no development or other operations (including demolition, site clearance or other preparatory works) shall commence unless tree protection measures have been put into place in full accordance with details submitted to and approved in writing by the local planning authority and thereafter shall remain in place during any such construction work. In addition no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a

PLANNING COMMITTEE MINUTES (Continued)

protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **Reason:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;

- (8) before the access is first used a turning facility within the site enabling vehicles to enter and leave in a forward gear, and a 2.4 metre by 43 metre visibility splay at the back of the footway on either side of the proposed access way, shall be provided in accordance with the approved drawings. At all times thereafter the turning facility shall be kept free of obstruction and available for its intended use, and nothing in the visibility splay shall exceed 600mm in height, unless otherwise agreed in writing by the local planning authority. **Reason:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;

- (9) the dwelling hereby permitted shall not be occupied unless and until the means of access to the site has been provided in full accordance with the position as shown on approved plan drawing no. 5104/05A and in accordance with the following details to be submitted to and approved in writing by the local planning authority:

- details of proposed surfacing, which shall comprise a bound material of not less than 3m in width for a distance of 7.5metres, as measured from the near edge of the public highway carriageway, and

- drainage details to ensure the effective capacity of any drain or ditch within the limits of the public highway.

Reason: In the interests of highway safety in accordance with Policy DP6 of the Warwick

PLANNING COMMITTEE MINUTES (Continued)

District Local Plan 1996-2011;

- (10) the development hereby permitted shall not commence until a qualified ecologist has been appointed by the applicant to inspect any trees / hedgerows to be removed as part of the development for evidence of nesting birds immediately prior to works. If evidence of nesting birds is found works may not proceed until outside of the nesting bird season (March to September inclusive) or until after the young have fledged, as advised by ecologist. Nesting birds are protected under the 1981 Wildlife and Countryside Act. **Reason:** To safeguard protected species in line with UK and European Law, the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-2011;
- (11) the existing trees and shrubs indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any tree(s) or shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with tree(s) and shrub(s) of such size and species details of which must be submitted to and approved by the local planning authority. All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces). **Reason:** To protect those landscape features which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011;
- (12) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) the window(s) to be formed at first floor level in the western facing elevation of the dwelling hereby permitted shall only be glazed or re-glazed with obscure

PLANNING COMMITTEE MINUTES (Continued)

glass and any opening part of any window shall be at least 1.7m above the floor of any room in which the window is installed. **Reason:** In the interests of the amenities of the occupiers of nearby properties in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011;

- (13) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) no windows or openings (apart from any shown on the approved drawings) shall be formed at first floor level in the western facing elevation of the dwelling hereby approved without the written approval of the local planning authority and if any additional windows are subsequently approved they shall only be glazed or re-glazed in accordance with such approved details and any opening part of any window shall be at least 1.7m above the floor of any room in which the window is installed. **Reason:** To ensure the amenities of adjoining properties are not detrimentally affected through overlooking or loss of privacy in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011;
- (14) the dwelling hereby approved shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times unless otherwise agreed in writing by the local planning authority. **Reason:** To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual amenity in accordance with Policies DP1, DP2 & DP8 of the Warwick District Local Plan 1996-2011;
- (15) the development hereby permitted shall not be first occupied unless and until the renewable energy scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturer's specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable.

PLANNING COMMITTEE MINUTES (Continued)

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

- (16) noise arising from the air source heat pump hereby permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level.

Reason: To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

146. W14/1694 – North Fosse Farm, Fosse Way, Radford Semele

The Committee considered an application, from Blackdown Growers, for the erection of an agricultural building.

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

The officer considered the following policies to be relevant:

The Current Local Plan

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

PLANNING COMMITTEE MINUTES (Continued)

CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

Sustainable Buildings (Supplementary Planning Document - December 2008)

It was the officer's opinion that the erection of this agricultural building on an established agricultural holding was considered to be acceptable in principle. The proposals would have an acceptable impact on the living conditions of neighbouring dwellings and on the character and appearance of the area. Therefore, it was recommended that planning permission was granted.

An addendum circulated at the meeting advised that the applicant had provided further clarification on the need for the development and responses to some of the objections received.

Following consideration of the report, presentation and the information contained in the addendum, the Committee

Resolved that application W14/1694 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (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) 101C & 102A, and specification contained therein, submitted on 20 November 2014 & 21 January 2015.
Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) the development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard

PLANNING COMMITTEE MINUTES (Continued)

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

- (4) access to the development shall not be gained from the public highway other than from the two existing vehicular accesses located on the Fosse Way (B4455) that are highlighted in yellow on the site plan submitted on 16 January 2015. **Reason:** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan.

147. W14/1649 – 15 Cicero Approach, Warwick Gates, Warwick

The Committee considered an application, from Mr and Mrs Thomas, for the erection of a double storey rear and front extension and alterations to garden wall.

The application was presented to the Committee because an objection had been received from Bishop's Tachbrook Parish Council.

The officer considered the following policies to be relevant:

National Planning Policy Framework

Current Local Plan

PLANNING COMMITTEE MINUTES (Continued)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)

Emerging Local Plan

BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

Residential Design Guide (Supplementary Planning Guidance - April 2008)

It was the officer's opinion that the proposed two storey rear extension and the single storey front extension, as amended, were acceptable in principle and would not affect neighbouring amenity. The proposal was therefore considered to comply with the policies listed.

Following consideration of the report and presentation, the Committee

Resolved that application W14/1649 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (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) and specification contained therein. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011; and
- (3) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.

148. Enforcement Report – Le Van, Red Lane, Kenilworth

The Committee considered an application from the Enforcement Team advising that engineering operations, resulting in increased land levels within part of the site, had been undertaken at Le Van, Red Lane, Kenilworth.

The report was presented to the Committee to request that Members authorise enforcement action to remove the hardstanding areas and to reinstate the land identified to its original condition and ground level, within a compliance period of six months.

The matter had been brought to the attention of the Planning Enforcement Team in July 2014 when it was identified that works were being undertaken in preparation for the forthcoming lawful use of the land as a static caravan site.

Whilst much of the work associated with that development did not require planning permission, as work continued it became clear that land levels particularly within part of the site had increased significantly to the extent that engineering operations requiring planning permission were considered to have occurred.

Despite requests to the developer to cease work until this matter could be fully considered and addressed, the work nevertheless continued.

It was the officer's opinion that the impact of the unauthorised engineering operations, resulting in the change of levels were at their most significant and harmful in the north east part of the site, where the change in character within the surrounding landscape was at its most notable.

Officers had considered whether any works could be undertaken to mitigate the impact but this was not considered to be an approach that would significantly overcome the harm that had been caused.

Following the absence of any voluntary resolution to this matter, and in view of the significant adverse impact of the above unauthorised development on the openness and visual amenities of the countryside and Green Belt, it was considered that formal enforcement action was now required in order to remedy these outstanding matters.

Members took advice from the Legal Officer relating to the potential impact of HS2 in the area and the costs which may be incurred by authorising the enforcement action. Mr Howarth reminded Members that their decision needed to be based on whether or not it was expedient to take action.

Members felt that the abuse of the planning system should be addressed and agreed that placing conditions on an application was pointless if they were not going to be enforced.

Following consideration of the report and presentation, the Committee

Resolved that appropriate enforcement action is
authorised directed at the removal of hardstanding

PLANNING COMMITTEE MINUTES (Continued)

areas and the permanent reinstatement of the land identified to its original condition and ground level with a compliance period of 6 months.

149. Appeals Update

The Committee considered an update from Development Services which advised of the current list of planning and enforcement appeals to date.

Members discussed the details of various applications and were advised that the appeal decision on the Gateway development was likely to be confirmed by 5 February 2015.

Councillor Brookes enquired as to whether Ward Councillors could contribute to certain appeals statements and officers agreed to discuss the options with their team.

Resolved that the report be noted.

(Meeting ended at 8.50pm)

Application No: [W 14 / 1834](#)

Town/Parish Council: Leamington Spa
Case Officer: Sally Panayi

Registration Date: 13/01/15

Expiry Date: 10/03/15

01926 456541 Sally.Panayi@warwickdc.gov.uk

27 Radford Road, Leamington Spa, CV31 1NF

Change of use from C4 6 bedroom HMO to Sui Generis 7 bedroom HMO FOR Mrs
Davinder Sanghera

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

Planning permission is sought to change the use of the existing 6-bedroom HMO to a 7-bedroom HMO. Planning permission is required for this change of use because a 6 bedroom HMO is classed as a C3 dwelling house within the Use Class Order, whilst a dwelling occupied by more than 6 residents living together is a Sui Generis use.

The proposal is for the conversion of an existing wet room and part of the utility room located within the ground floor accommodation of the rear wing of the property to a bedroom. The side window of the rear wing serving this room is to be replaced with a window of a size and design to meet the fire, safety and building regulation standards. The remainder of the existing utility room on the ground floor adjacent to the kitchen is to be converted to a shower room.

THE SITE AND ITS LOCATION

The application relates to a three storey mid terraced house located on the northern side of Radford Road. The property is not listed but is within the Leamington Spa Conservation Area. The property is an established HMO currently occupied by 6 students and is the fifth in a group of five HMOs located together. The front garden of the property is hard surfaced with sufficient parking for two vehicles side by side and for the storage of a number of wheelie bins.

PLANNING HISTORY

There is no planning history relevant to this planning application. From the Council's records the house has been in occupation as a House in Multiple Occupation prior to 1st April 2012.

RELEVANT POLICIES

- The National Planning Policy Framework

The Existing Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

- Vehicle Parking Standards (Supplementary Planning Document)
- National Planning Policy Framework

SUMMARY OF REPRESENTATIONS

Environmental Health Private Sector Housing: Comment on the revisions to the layout of the property required to meet the appropriate licensing standards.

County Highways: No objection.

Contract Services: No objection.

Leamington Spa Town Council: Objection: The proposed accommodation for the additional person is considered to be too small and will adversely impact on the wellbeing of the occupant.

3 Neighbour Comments: objecting to the proposal on the following grounds have been received on the following grounds:-

- 1) The impact of the high density of students already in this area with resulting noise, parking and refuse problems - no increase should be allowed.
- 2) An approval to allow 7 bedrooms would set a precedent for other HMOs in the area.
- 3) There is insufficient communal space.
- 4) There is insufficient parking.
- 5) The proposed bedroom is too small.

ASSESSMENT

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

- The concentration of student accommodation in this area
- Siting and design
- Car parking and highway safety
- Refuse/bin storage
- Health and wellbeing.

The concentration of student accommodation in this area

The property is currently occupied as an authorised 6 bedroom HMO. The change of use will increase the number of bedrooms to 7. There are 143 properties within a 100 metre radius of which 26 are HMOs, including the application property. The current density of HMOs within the surrounding area is therefore 18% which exceeds the 10% identified within the HMO policy. The accommodation of one additional student would not materially change the percentage of HMOs within the area and it is therefore considered that in principle one additional occupant will not have a significant impact on the character of the existing use to a degree that would warrant a refusal of planning permission.

Siting/design

There are no external alterations to the dwelling proposed with the exception of the replacement of the existing window of the new bedroom on the flank wall of the rear wing of the property to meet health and safety standards. There is no adverse impact on the neighbouring HMO at 25 Radford Road as a result of this change. In addition the scheme is not considered to impact upon the character of the existing building or the character and setting of the Conservation Area.

Car parking and highway safety

The HMO has been in operation for a number of years and has a front drive sufficient to accommodate two cars. The parking requirement for a HMO is 1 space per 2 bedrooms which equates to 3 spaces for the current use and 3.5 spaces (rounded up to 4) for the proposed use. The Highway Authority have raised no objection to the proposal and it is considered that in highway safety and parking terms any such impacts arising from the minor nature of this proposal would not be sufficient to justify an objection on this ground.

Refuse/bin storage

The property has four bins located within the front curtilage of the property as a result of there being no access to the rear of the property for this and other properties in this area of Radford Road. This situation already exists and it is considered that the additional waste generated by one additional resident would not significantly worsen the situation to a degree that would warrant a refusal of planning permission.

Health and Wellbeing

The size of the room being created as a bedroom is indicated to be 7.48 square metres. Such bedroom accommodation has a minimum size set as part of the licence for a HMO as issued by Private Sector Housing. As the room is less than 10 square metres there is a requirement for a suitably sized common living/dining room to be provided.

The required alterations to the window to ensure a suitable outlook over the side courtyard area and the revised layout of the kitchen and communal facilities will be met to provide the necessary standard of accommodation in order for the licence to be issued.

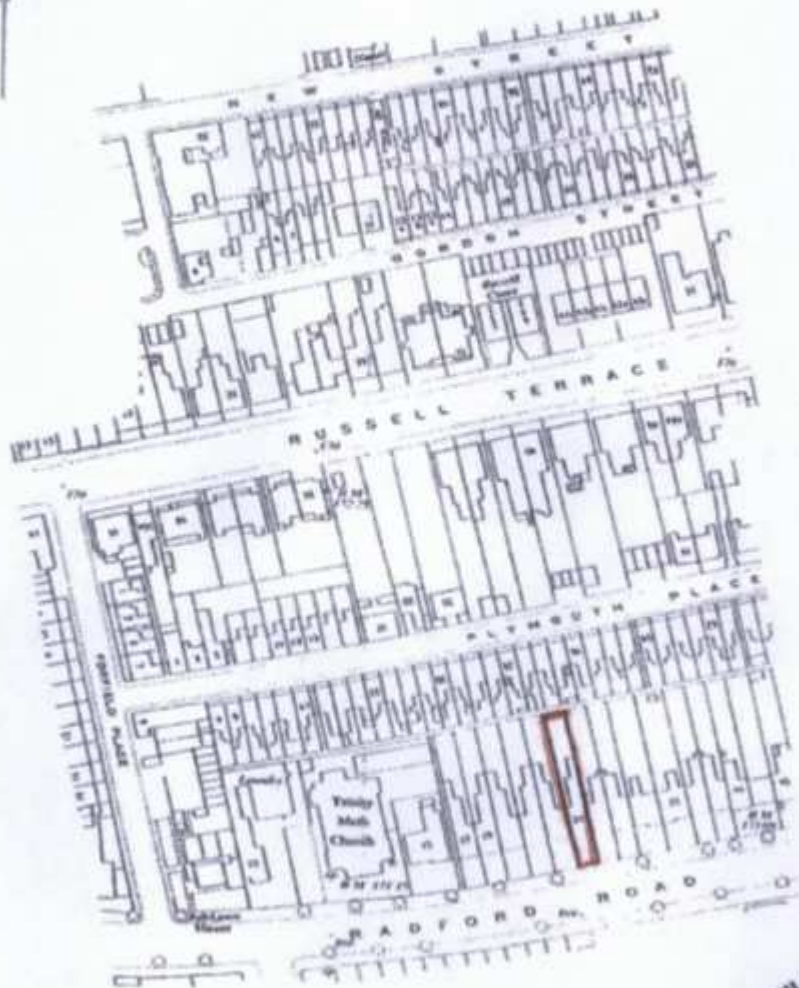
SUMMARY/CONCLUSION

The proposed addition of one bedroom to the existing 6 bed HMO is not considered not to result in significant harm to a degree that would warrant a recommendation of refusal.

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: floor plans and amended floor plans dated 17th December 2014, ground floor plan indicating size of additional 7th bedroom dated 17th December 2014 and plan of front drive dated 13th January 2015 , and specification contained therein. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

H.M. LAND REGISTRY		TITLE NUMBER	
		WK354327	
ORDNANCE SURVEY PLAN REFERENCE	SP 3265	SECTION C	Scale 1/1250
COUNTY WARWICKSHIRE		DISTRICT WARWICK	
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Application No: [W 14 / 1729](#)

Town/Parish Council:	Kenilworth	Registration Date:	28/11/14
Case Officer:	Liam D'Onofrio	Expiry Date:	23/01/15
	01926 456527 liam.donofrio@warwickdc.gov.uk		

Station Road and 82-90 Priory Road, Kenilworth, CV8 1LQ

Demolition of nos 82-90 Priory Road; old showrooms and storage buildings to northern boundary and the erection of a three storey building to provide 9no. 2no. bedroom flats. FOR Virgate Properties Ltd

This application is being presented to Committee at the request of Councillor Illingworth.

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

Planning permission is sought for the demolition of the existing property fronting Priory Road and old showroom buildings to the rear yard area and the erection of two new buildings, a three-storey building fronting Priory Road containing six 2-bedroom flats and a 2.5-storey building fronting Station Road containing three 2-bedroom flats and maintaining the existing vehicular access via an undercroft.

The three-storey building will measure 33.3m wide by 15m deep and 10.5m high and the 2.5-storey building will measure 12m wide by 16m deep and 10.5m high. The yard area will provide 15 No. parking spaces, a bike store, two bin/recycling areas and a landscaped garden/patio area to serve the development.

The application is accompanied by a Design and Access Statement, a Renewable Energy Statement, a Heritage Statement and Bat Survey. The applicant states within the Design and Access Statement that the building fronting Priory Road is poor quality and at the end of its useful life. The buildings within the yard are also dilapidated. The proposal is to create 9 No. flats in two elements, the Station Road frontage infilling a gap between existing villas and the Priory Road frontage through demolition of No.82-90. The proposed building on Station Road has previously received planning permission under W/14/0163. The current design is fundamentally similar but provides three flats as opposed to the previous scheme for five flats.

The Design and Access Statement notes that the Priory Road frontage will comprise two, three-storey units each with one flat per floor, linked by a recessed entrance/access block containing a staircase and passenger lift giving

full disabled access to all flats. The proposed building aligns with the frontages of existing properties and is broken down into bays which step in and out to address the street and provide visual interest. The glazed clock tower feature will address the proposed entrance to the new Kenilworth Railway Station across the road and will be a signature building of attractive design, which enhances the new gateway into Kenilworth.

THE SITE AND ITS LOCATION

The application site relates to No.82-90 Priory Road, which fronts the western side of the highway. There is a large yard area containing a vacant (former car showroom) building to the rear and a vehicular access from the northern side of Station Road. The site is within the built up area of Kenilworth and part of the site (the Station Road access) falls within the conservation area.

PLANNING HISTORY

W/14/0163: Erection of 5 no. two bedroom flats after demolition of existing two storey and single storey former car sales building (Station Road): Granted 11/04/14.

RELEVANT POLICIES

- The National Planning Policy Framework

The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- TCP9 - Protecting Employment Land and Buildings (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- EC3 - Protecting Employment Land and Buildings (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

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

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: No objection.

WCC Highways: No objection, subject to conditions.

WCC Ecology: No objection.

Waste: Bins should be stored on site and only presented on the edge of the property on collection day.

EHO: No objection, subject to conditions

Public response:

There have been nine objections to the scheme, raising the following issues:

- The building on Priory Road is too tall/out of keeping.
- The proposal will dominate traditional two-storey properties.
- The overbearing design, clock tower is unnecessary/a 'design gimmick', the proposed building is very tall and will have a significant impact on Priory Road.
- The two-storey building is being replaced with a three-storey building of considerably greater mass
- The overdevelopment of site.
- Insufficient parking provision.
- The reduction in light levels.

There has been one neutral comment that considers the plans to be largely in keeping with surrounding areas but notes the potential for parking issues.

ASSESSMENT

The main issues in the consideration of this application are:

- The principle of the development;
- The design and the impact on the character and appearance of the Conservation Area;

- Neighbouring and future occupier's amenity;
- Highway safety/Parking;
- Open Space/affordable housing;
- provision of renewable Energy;
- Ecological issues;
- Health and Wellbeing.

The principle of the development

Policy UAP1 of the Local Plan states that residential development will be permitted on previously developed land and buildings within the confines of the urban area. The proposal complies with this policy and is considered to be acceptable in principle. In terms of the weight applied to Policy UAP1 it is noted that the National Planning Policy Framework (NPPF) 2012 states (para.49) that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites against their housing requirement. In terms of the most recent evidence of housing need, the Council cannot demonstrate a five year supply. Accordingly, only limited weight can be afforded to Policy UAP1, and in these circumstances the NPPF requires applications to be considered in the context of the presumption in favour of sustainable development. This states at paragraph 14 that where the development plan policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF.

Whilst housing Policy UAP1 is considered to be out-of-date, other relevant development policies, particularly Policy DP1 'Layout and Design' and DAP8 'Protection of Conservation Areas' are not out-of-date and considered to be Framework compliant and, as such, should therefore be afforded significant weight.

Policy TCP9 seeks to protect employment land and buildings within Town Centre Employment Areas, however the site does not fall within such an area and no policy issues are therefore raised with the loss of the employment uses on site (retail units and a vacant car sales business).

Design and impact upon the Conservation Area

Policy DP1 states that development will only be permitted that positively contributes to the character and quality of its environment through good layout and design; and that development proposals will be expected to demonstrate that they: (c) reinforce and enhance the established urban character of street...(d) reflect, respect and reinforce local architectural and historic distinctiveness and (f) respect surrounding buildings in terms of scale, height, form and massing. Policy DAP8 of the Warwick District Local Plan states that development will be required to preserve or enhance the special architectural and historic interest and appearance of Conservation Areas.

Priory Road

Although there is a mix of architectural styles on Priory Road the buildings within the streetscene are two-storey in character and have a similar scale and mass.

The building proposed for demolition fronting Priory Road, No.82-90, is two-storey but is low-rise with its ridge at a similar height to the eaves of adjoining buildings and a large single storey element. No issues are raised with the demolition of this building, which falls outside of the conservation area (the boundary of which follows the rear garden boundaries of properties on the northern side of Station Road). The replacement of this building is therefore considered to be acceptable in principle.

The predominant character of Priory Road is one of continuous frontages formed by terraced dwellings located in close proximity to the footway. Whilst there is therefore not considered to be a significant issue with the erection of a larger building than the one that exists, it is considered important that the replacement building should reflect the scale and massing of the adjoining two-storey buildings. The proposed building's eaves line sits well above that of the adjoining properties and it is clearly read as a three-storey property within the streetscene. This height difference is particularly emphasised on the northern boundary adjacent to the hip-roof property No.80, which turns the corner allowing views onto the flank wall of the proposed building.

The terraces on Priory Road provide a strong rhythm, formed by bay windows, front doors, chimneys etc. that also allow plot widths to be read in the streetscene. The proposed building, split into two distinct chunks, provides little reinforcement of this continuity with a varied range of gable sizes and heights. This lack of domestic scale and rhythm emphasises that the proposal is a large apartment building that fails to properly assimilate into the distinctive character of this part of the streetscene.

Whether a traditional design or a more innovative, contemporary design is chosen it is considered that a solution can be found, however this should respect the scale and massing of surrounding buildings and provide a better rhythm of built development. The applicant has declined to make any design amendments to the proposals as they are seeking to construct a statement building opposite the new Kenilworth Railway Station access.

Station Road

Station Road falls within the conservation area and there is an existing gap within the streetscene allowing visibility into the rear yard area from the public realm, which is considered to do little to add to the special architectural character and appearance of this part of the conservation area and indeed is considered to be an area which could be improved to provide an enhancement. The car sales building is not considered to make a positive contribution to the character and appearance of the Conservation Area and its demolition is therefore considered to be acceptable.

The proposed development, would infill this gap and sit relatively comfortably, reflecting the character of the large detached houses that form this streetscene. The development is to be finished in facing brickwork with a slate tiled roof in keeping with the established character and appearance of the area. The eaves and ridge heights are consistent with other buildings and the building will have similar architectural elements, such as a steep gable, bay windows, chimneys, etc.

The development also picks out architectural detailing from adjacent properties and has a villa like scale and appearance. The 200mm gap between the proposed building and the neighbouring property No.12 is small but this has been previously accepted under planning permission W/14/0163. It was noted in this application that the inclusion of a chimney to the right hand side helps to differentiate between the two buildings and overall, this aspect of the proposal is considered to be an enhancement compared to the existing situation of an entrance to an open yard. This element of the proposal is therefore considered to comply with Policies DP1 and DAP8 of the Local Plan.

Neighbours amenity

Policy DP2 of the Warwick District Local Plan states that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents. It must therefore be considered whether this application is contrary to this policy.

The proposal would not breach a 45 degree line taken from the neighbouring properties. The proposal would also accord with the Council's Distance Separation standards. There is a small window to a cloakroom within the existing gable wall of No.12 Station Road. Although non-habitable, it is proposed to create an opening in the side wall of the undercroft to marry up with the existing opening so as not to unnecessarily deprive this window of light or ventilation.

The Environmental Health Officer notes the potential for site land contamination (former car sales) and seeks a condition to secure a survey. The EHO also notes the potential for asbestos in buildings to be demolished, however this would be controlled by separate Health and Safety legislation. Further conditions are suggested to control noise from proposed air source heat pumps and also during demolition/construction via the agreement of a construction method statement.

The scheme is not therefore considered to harm the amenities of the occupiers of neighbouring dwellings and will also provide adequate levels of amenity for future occupiers. The proposal is therefore considered to accord with Policy DP2.

Parking & Highway Safety

The Highway Authority have raised no objection to the proposed scheme, subject to conditions, and are satisfied that the level of parking provided (15 spaces for 9 two-bedroom units) is in accordance with the WDC Parking Standards (1.5 spaces per unit). The undercroft access off Station Road is also considered appropriate, however Highways note that although the 3m clearance height should allow emergency vehicles to enter the site it is unlikely to accommodate refuse vehicles. In this regard a large bin store is located within 20m of the public highway accessed from a side gate on Priory Road to allow bin collection within a suitable distance of the highway.

The Highway Authority note the existing lawful use of the site and consider that the proposed development will reduce the number of vehicle trips to and from the site, which can be considered an improvement to public highway safety.

Open Space/Other contributions

An appropriate open space contribution can be successfully secured through condition. The 9 units proposed do not trigger the need for other contributions, such as affordable housing, education etc.

Renewable Energy

The application was accompanied by a Sustainable Buildings Statement which shows that at least 10% of the predicted energy requirement of the proposed development will be provided on site through the provision of air source heat pumps and solar photovoltaic panels positioned on the flat roof. This can be secured by condition. The proposal is therefore considered to comply with Policy DP13 and the associated SPD.

Ecology

The County Ecologist notes that the submitted bat survey has found no evidence of bats and has confidence in its findings. The Ecologist therefore raises no objection to the scheme.

Health and Wellbeing

N/A

Summary/Conclusion

It is considered that this would be an appropriate site for new residential development and the scheme raises no objections in terms of residential amenity, car parking and highway safety. The proposed building on Station Road, within the conservation area, provides an acceptable design solution, however it is the scale and massing of the proposed building fronting Priory Road which is considered to fail to harmonise with the prevailing character of development within the streetscene to the extent that it is therefore recommended that planning permission is refused.

REFUSAL REASONS

- 1 Policy DP1 of the Warwick District Local Plan 1996-2011 states that development will only be permitted that positively contributes to the character and quality of its environment through good layout and design; and that development proposals will be expected to demonstrate that they: (c) reinforce and enhance the established urban character of street...(d) reflect, respect and reinforce local architectural and historic distinctiveness and (f) respect surrounding buildings in terms of scale, height, form and massing. The NPPF 2012 advocates good design and states that it is proper to seek to promote or reinforce local distinctiveness.

The proposed development fronting Priory Road forms a bulky three-storey apartment building that fails to harmonise with the well-established two-storey domestic character of the streetscene,

introducing eaves and ridge lines higher than adjacent two-storey properties. Furthermore the building design fails to reflect the strong rhythm of terraced development formed by consistently spaced bay windows and windows, front doors and chimneys that allow plot widths to be easily read within the Priory Road streetscene. The scheme will therefore form an incongruous design solution that will fail to properly assimilate into the distinctive, established character of this part of the streetscene.



Planning Committee: 03 March 2015

Item Number: 7

Application No: [W 14 / 1753](#)

Town/Parish Council: Warwick

Case Officer:

Liam D'Onofrio

01926 456527 liam.donofrio@warwickdc.gov.uk

Registration Date: 04/12/14

Expiry Date: 06/03/15

1 Goldsmith Avenue, Warwick, CV34 6JA

Erection of new 3 bedroom dwelling FOR Mr Jobling

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

Planning permission is sought for the erection of a new three-bedroom dwellinghouse measuring 8.3m wide by 9m deep and 8m high. The new dwelling will be located to the side garden of the existing property No.1 Goldsmith Avenue and will require the demolition of an existing garage, shed and lean-to extension. Two off-street parking spaces will be provided for both the existing and proposed properties.

The application is accompanied by a Design and Access Statement and Energy Statement. The supporting documentation states that the proposal aims to maximise the potential of the property with large, modern spaces and contemporary glazing to the rear, whilst still referencing the current streetscene and retaining the style and character of the physical contextual surroundings.

In specific response to the Town councils comments the applicant has responded:

- The elevations portion, scale and materiality have been selected to reflect the existing context.
- The proposal meets and in places exceeds all policy criteria and regulations particularly in regard to sustainability.
- The development does not affect the parking standards of the existing dwelling, it in fact improves them by providing two spaces off street for the existing house.
- The amenity provision for this property is generous and does meet policy criteria, holistically this property will have considerably more amenity space than the majority of existing dwellings in the area and more than the newly approved infill house on the corner.

THE SITE AND ITS LOCATION

The application site relates to part of the side garden of No.1 Goldsmith Avenue, which fronts a service road on the south-eastern side of Hampton Road. The site is residential in character, located within the built up area of Warwick. Warwick Sports Club is located to the east of the site. The northwest edge of the site falls within Flood Zone 2, however the property will be constructed within Flood Zone 1. The site lies outside but adjacent to the conservation area.

PLANNING HISTORY

W/14/1451 Erection of a three bedroom dwelling: Withdrawn 25/11/14

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)

Guidance Documents

- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Open Space (Supplementary Planning Document - June 2009)

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

SUMMARY OF REPRESENTATIONS

Warwick Town Council: Objection. "The Town Council consider that the application should be refused for the location, positioning and design of the development is not sympathetic to the street scene and would disrupt the established character of the area by reason of its mass and size and its failure to make provision for the residential amenities of the occupants of the development, if constructed. The development would also reduce the car parking provision to the adjoining property. If permitted the development would not meet the requirements of DP1 and BE1 relating to layout and design. The Town Council also suggests a site visit".

WCC Highways: No objection, subject to conditions.

WCC Ecology: No objection, subject to conditions.

ASSESSMENT

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

- The principle for the development;
- Siting and design;
- Neighbours' amenity;
- Highway matters;
- Renewable energy;
- Health and Wellbeing;
- Ecology.

The principle of the development

The National Planning Policy Framework (NPPF) 2012 states (para.49) that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites against their housing requirement. In terms of the most recent evidence of housing need, the Council cannot demonstrate a five year supply. Accordingly, only limited weight can be afforded to Policy UAP1, and in these circumstances the NPPF requires applications to be considered in the context of the presumption in favour of sustainable development. This states at paragraph 14 that where the development plan policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF.

The site falls within garden land and paragraph 53 of the NPPF 2012 states that LPA's should resist inappropriate development on garden land where this would cause harm to the local area. In this case the proposed development is considered to integrate well into the existing pattern of development fronting the highway and would not form a contrived development. The scheme will also contribute towards helping the Council meet its five year requirement, result in

more efficient use of urban land, and as set out below would have no other significant adverse effects. On this basis the proposal is considered to constitute sustainable development, which is acceptable in principle and would comply with the NPPF.

Siting/design

The proposed dwelling will sit within the existing pattern of development fronting the highway and will not appear contrived or cramped within the streetscene as a gap of 1 metre is retained between properties to avoid a terracing impact. The design is considered acceptable and will reflect the style and character of other properties within the streetscene.

The proposed dwellinghouse is positioned slightly higher than No.1 Goldsmith Avenue and the applicant has been asked to lower the ridge and eaves level to match the adjoining dwellinghouse. The applicant has, however stated that lowering the ridge would affect the internal design solution and has therefore declined to make alterations to the design. The applicant advises that the additional 225mm between ridges is unlikely to be read at street level and that visually the property also forms a full-stop to development.

Notwithstanding the absence of the requested revisions to the design of the proposed building, it is considered that the dwelling will clearly be two-storey with an appropriate bulk and mass and that the difference between eaves/ridge levels would not be so significant as to warrant refusal of the scheme.

The applicant has agreed to add a chimney to the design, which is considered to be an important architectural feature that adds to the character of surrounding properties and the skyline of the area. The scheme is not considered to materially affect the character or setting of the adjacent conservation area.

Neighbours' amenity

The scheme will require the sub-division of the existing plot, however an acceptable level of external amenity space will be retained for No.1 Goldsmith Avenue and an acceptable sized garden area will be provided for the proposed dwellinghouse. The new building will not breach the 45-degree sightline measured from No.1 and meets all other minimum separation distances in accordance with the Council's SPD.

It is considered that it would be prudent to remove permitted development rights as further uncontrolled extensions/out-buildings within this in-fill plot could affect neighbouring amenity. No.1's side windows facing the application site are obscurely glazed, however it is considered necessary to also condition the first floor side facing windows in the proposed dwelling facing No.1 to protect the future privacy of both occupiers. These windows relate to a secondary bedroom window and bathroom window.

The scheme is not therefore considered to result in any significant loss of outlook, light, privacy or general amenity to the occupiers of surrounding properties.

Highway safety

The previous scheme was withdrawn due to the absence of the provision of any parking for No.1 Goldsmith Avenue. Although the new dwelling will have two off-street parking spaces in accordance with the SPD the Highway Authority initially objected to the resubmission as only one new off-street parking space was to be created for the existing property No.1, failing to meet parking standards. There was also concern that, despite the low speeds on this service road, visibility splays had not been shown to demonstrate that vehicles could exit safely from the proposed new access.

The applicant has provided an amended plan showing appropriate visibility splays and room for two vehicles on the frontage of No.1. The Highway Authority have removed their objection accordingly and now raise no objection to the amended scheme, subject to conditions.

Renewable Energy

An air source heat pump has been specified in order to meet the Council's 10% renewable energy requirement. Securing this pump and associated noise attenuation can be successfully controlled through condition.

Drainage and Flood Risk

The very western edge of the site adjoins Flood Zone 2, however the proposed development falls within Flood Zone 1. The scheme therefore requires no additional conditions in terms of flooding for the protection of future occupants.

Heath and wellbeing

N/A

Ecology

The Warwickshire Country Council Ecology Team note that it appears that the buildings due to be demolished have low potential to support roosting bats, thus a bat survey is not considered necessary. As there are trees and shrubs within the application site it is recommended that the proposed works are carried out outside the nesting bird season that lasts March to September (inclusive). If this is not possible then the site should be checked for nesting birds prior to works commencing, which can be controlled through condition. A condition is also suggested to protect trees from works by a suitable buffer area.

Other Matters

The scheme will require provision for open space, which can be controlled by condition.

SUMMARY/CONCLUSION

In the opinion of the Local Planning Authority, the development respects surrounding buildings in terms of scale, height, form and massing and does not

adversely affect the amenity of nearby residents or highway safety. The proposal is therefore considered to comply with the policies listed.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 250, 251, 351, 352, 150 Rev B, and specification contained therein, submitted on 04/12/14. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 Unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy SC13 of the Warwick District Local Plan 1996-2011:

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

(ii) the dwellings hereby permitted shall not be occupied until the scheme so approved has been implemented.

REASON: To ensure the necessary infrastructure and facilities are provided in accordance with Policy SC13 of the Warwick District Plan 1996 – 2011.

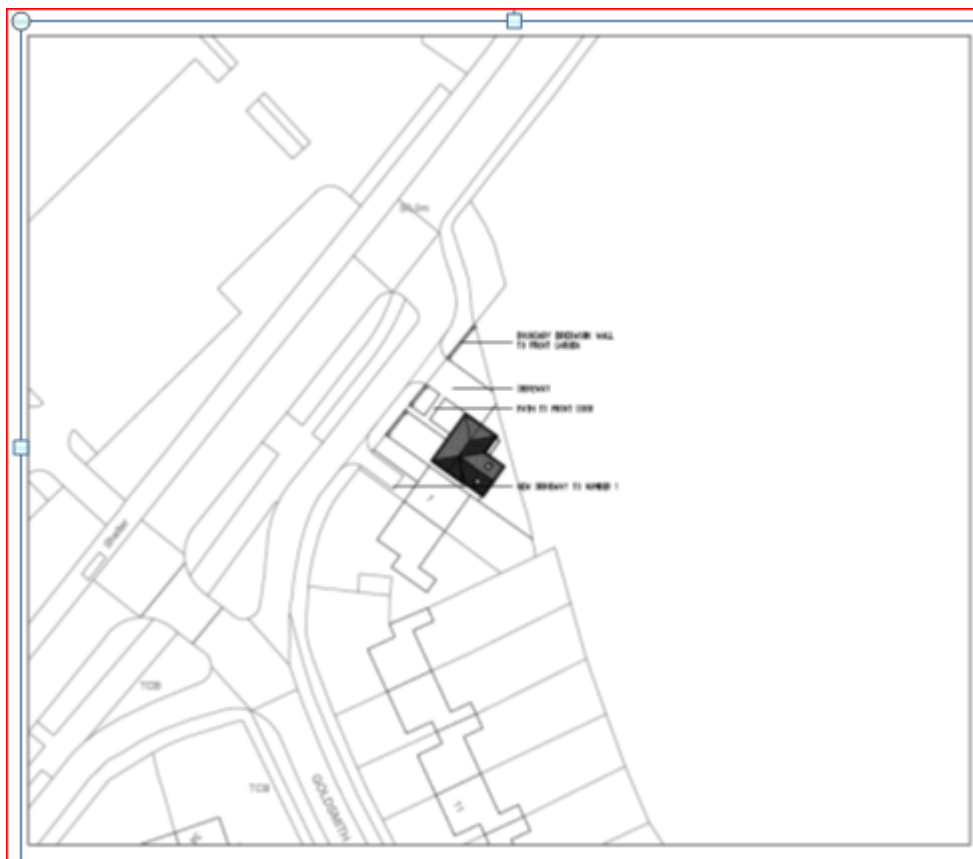
- 4 The development shall be carried out only in full accordance with sample details of the facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.
- 5 The development hereby permitted shall not be first occupied unless and until the renewable energy scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturers specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. **REASON :** To ensure that adequate provision is made for the generation of energy from renewable energy resources in

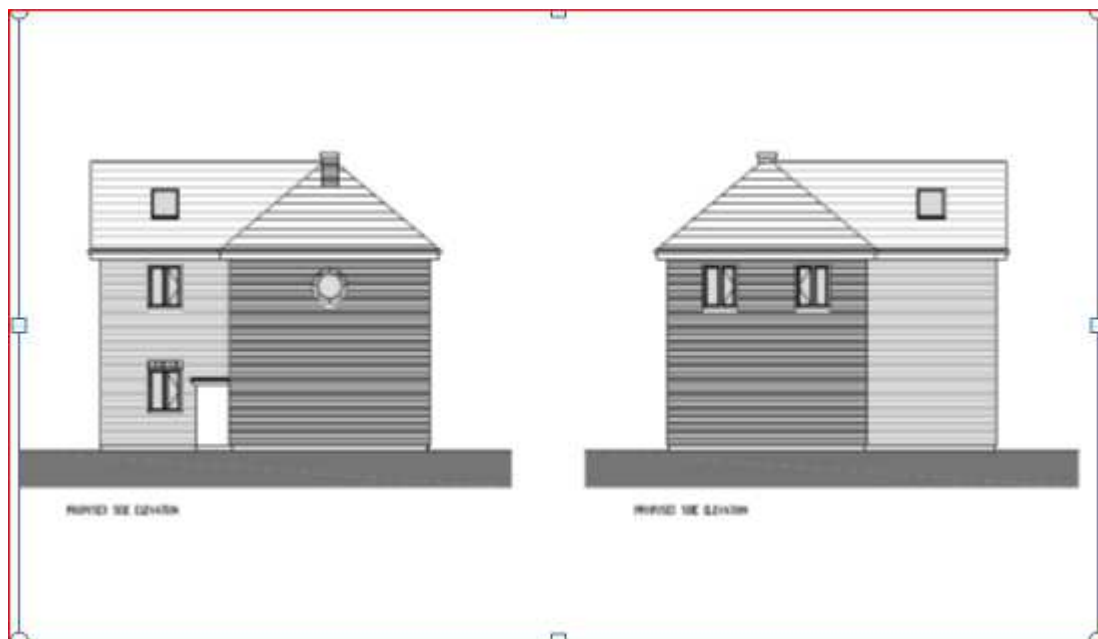
accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

- 6 No part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the Local Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837:2012, Trees in Relation to design, demolition and construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place in these areas. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **REASON:** In order to protect and preserve existing trees and mature landscaping within the site which are of amenity value in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.
- 7 The development hereby permitted shall either:
 - a) be timetabled and carried out to avoid the bird breeding season (March to September inclusive) to prevent possible disturbance to nesting birds or,
 - b) not commence until a qualified ecologist has been appointed by the applicant to inspect the buildings to be demolished and vegetation to be cleared for evidence of nesting birds. This inspection must take place immediately prior to the commencement of works. If evidence of nesting birds is found then works in the affected area may not proceed within the nesting bird season (March to September inclusive) unless the local planning authority has received written confirmation from the ecologist that the young have fledged. **Reason:** To ensure that protected species are not harmed by the development in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011 and NPPF.
- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that Order with or without modification), no development shall be carried out which comes within Classes A, B or E of Part 1 of Schedule 2 of this Order. **REASON:** That due to the restricted nature of the infill development plot and its close relationship with the adjoining property it is considered necessary to ensure that no additional development is carried out without the permission of the local planning authority in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011.
- 9 Noise arising from the air source heat pump hereby permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech,

hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **REASON:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

- 10 The development hereby approved shall not be occupied unless and until the approved off-street car parking spaces have been provided to both existing and proposed properties in accordance with the approved details on drawing No.150 Rev B and visibility splays have been provided to the vehicular access to No.1 Goldsmith Avenue, with an 'x' distance of 2.4 metres and 'y' distances of 25 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway. The driveways shall also be surfaced in a bound material. Thereafter car parking facilities shall remain available for use at all times. **REASON:** To ensure that a satisfactory provision of off-street car parking is maintained at all times in the interests of the free flow of traffic and highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011.
 - 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) the window(s) to be formed in the side-facing southwest elevation of the dwellinghouse hereby permitted shall only be glazed or re-glazed with obscure glass and any opening part of any window shall be at least 1.7m above the floor of any room in which the window is installed. **REASON:** In the interests of the amenities of the occupiers of nearby properties in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011.
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Planning Committee: 03 March 2015

Item Number: 8

Application No: [W14/1725](#)

Town/Parish Council: Leamington Spa

Case Officer:

Liam D'Onofrio

01926 456527 liam.donofrio@warwickdc.gov.uk

Registration Date: 17/12/14

Expiry Date: 11/02/15

2a Church Terrace, Leamington Spa, CV31 1EN

Change of use from Use Class A2 to create a 4 bedroom dwelling house (Use Class C3). FOR Oxford and Witney Factors

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

RECOMMENDATION

Planning Committee are recommended to GRANT planning permission, subject to conditions.

DETAILS OF THE DEVELOPMENT

Planning permission is sought for the change of use of an office within a 'Financial and Professional Services' A2 Use Class to a dwellinghouse within a C3 Use Class. The existing shopfront elevation will be altered to form a new front door and three windows. A further two new windows will be inserted on the elevation adjoining Clifton Street and a glazed rooflight will be located over the internal lightwell. The building is ground floor only and the internal layout will comprise a large lounge/kitchenette, four bedrooms (two with en-suite facilities) and a bathroom. A small storage area accessed from Clifton Street provides a covered bin and recycling store. The scheme provides no off-street parking.

THE SITE AND ITS LOCATION

The application site relates to a former ground floor retail unit, changed to an office (A2 Use Class) in 1996. The site is located on the southern side of the highway and physically adjoins No.5 Church Street. Clifton Street runs to the eastern boundary. The site is set within Leamington Old Town and its conservation area. The surrounding streetscenes are largely residential in character with some sporadic commercial properties.

PLANNING HISTORY

W/96/0709 - Change of use retail to offices (A2) Children's rights service (Unit 3):
Granted 13th August 1996.

W/14/1069 - Prior Approval application: Change of use from office (B1a Use Class) to 5 bedroom HMO: Permission required, 09/09/14

W/14/1350 - Prior Approval application: Change of use from retail/office (A1-A2 Use Class) to a 4 bedroom dwellinghouse: Permission required, 05/11/14.

RELEVANT POLICIES

The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

- Vehicle Parking Standards (Supplementary Planning Document)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Open Space (Supplementary Planning Document - June 2009)
- National Planning Policy Framework

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: No objection

Cllr Richard Edwards - Comment. Note that parking on Church Terrace and surrounding streets are already very limited and this application offers no new parking on top of the nil spaces already creating a shortfall of two spaces in the Council's vehicle parking standards.

Environment Agency: Comments awaited on amended plans.

WCC Highways: No objection.

WCC Ecology: No objection, but note suggested.

CAF: The change of use was considered acceptable, although concerns were expressed that this could become a HMO. The external changes were considered acceptable. It was felt that this should be classed as a flat rather than a house as it forms part of a building with other flats which partly pass over it.

Waste Management: Bins should be stored within the proposed area outlined and only presented on the edge of the property on bin collection day.

Public response: There have been seven objections raising the following concerns:

- Lack of rubbish store/cycle store.
- Lack of parking.
- The floor plan is not appropriate for a residential home (concerns that it could lead to a HMO use and associated problems with transient residents, anti-social behaviour, rubbish, vandalism etc.).
- Proposal is clearly a HMO/designed as a HMO.
- Existing noise and nuisance, concerns that this will exacerbate problems.
- Safety and privacy concerns.
- Poor residential environment, no windows to bedroom 4, kitchen and main bathroom.

ASSESSMENT

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

- Principle;
- The impact on the character and appearance of the area;
- Residential amenity;
- Highway safety/parking;
- Renewables;
- Ecology;
- Flood risk;
- Health and Wellbeing

Background

A change of use has been sought under the prior notification procedure on two separate occasions in 2014. The initial scheme (W/14/1069) failed to meet permitted development requirements as it sought a HMO (Use Class C4) rather than a single dwellinghouse (Use Class C3) and also failed to clearly identify the existing use of the building, incorrectly indicating it was a B1(a) office use. The scheme was reassessed under W/14/1350 with the correct use classes, however, an additional caveat of the legislation imposing restrictions on a change of use within a conservation area resulted in the scheme failing to be considered as permitted development and full planning permission being required, hence this application.

The Principle of the Development

Policy UAP1 states residential development will be permitted on previously developed land and buildings within the confines of the urban area. The application site falls within Leamington Town Centre but is not within a primary or secondary retail frontage and is noted as being within an area primarily in residential use. There is no policy objection to the loss of the A1/A2 unit in this location. The proposal is therefore acceptable in principle.

The impact on the Character and Appearance of the Area

The existing frontage has two large reflective glass windows and a glazed door, which reflects the current office use of the unit and is largely unsympathetic to the style and character of the original building. The proposal includes new windows and a front door to the principle elevation fronting Church Terrace, which are much more appropriate and will re-instate the original window proportions/styling. The new side windows to the Clinton Street elevation are also well positioned and well proportioned. The roof light will be largely screened from view at street-level by the existing parapet wall to the front elevation and adjoining buildings.

The change of use is therefore considered to be an improvement to the visual appearance of the building and an enhancement to the character and appearance of the conservation area. In this context it is considered that a condition should be applied to ensure that windows are constructed in timber and painted white.

Residential amenity

The objections raised by local residents are noted and highlight local concerns regarding the concentrations of student and HMO properties, particularly within South Leamington and its associated problems. The current proposal is, however, for a single family dwellinghouse within a C3 Use Class. The site is located within a predominately residential area of the Town Centre and is therefore considered to be wholly compatible with surrounding residential uses. It should also be noted that the site falls within an Article 4 Direction dated 25th March 2011, which requires that planning permission be required for the change of use of a dwellinghouse to a house in multiple occupation.

In terms of the quality of the residential amenity created for future occupiers the conversion is considered to create acceptable residential accommodation. An internal courtyard has been created to provide natural light to bedroom 4 and the hallway. Although only sky will be visible from bedroom 4 this is considered to provide an acceptable level of accommodation for this type of room. The case officer has also requested a new window to be inserted in the bathroom (onto the courtyard), although a non-habitable room this window will add natural light and natural ventilation. A further window has also been added to the front elevation to provide additional natural light to the lounge. The Kitchen is still likely to need some artificial lighting, however, this is not considered so significant as to warrant refusal of an otherwise acceptable scheme, which finds a positive new use for this building.

Car Parking and Highway Safety

The site benefits from no off-street parking, however, in considering the existing lawful use and associated parking requirements the Highway Authority have raised no objection to the change of use and have suggested no planning conditions.

The site is within a sustainable Town Centre location with good links to public transport, shops and services. There is an opportunity for storing cycles to the rear covered way.

The development would not therefore justify a refusal on parking or highway safety grounds.

Renewable Energy

The proposed change of use is unlikely to significantly increase existing energy demands and renewables are not therefore considered necessary in this instance.

Ecology

The Ecologist has viewed the plans and street photography and considers that it is highly unlikely the existing flat roof section of the application building would be used by roosting bats. It is recommended that a note relating to bats, as protected species, is attached to any approval granted.

Flood Risk

The Environment Agency originally objected to the change of use as the site is located in Flood Zone 2. The EA considered that improved resilience to flood protection was necessary, particularly as the proposal is for ground floor sleeping only, with no safe refuge to upper floors. In accordance with EA advice the finished floor level within the property has been raised by 180mm and an emergency door to provide access to a higher level has been installed (the building is within the same ownership).

It is understood that the amended plans have overcome the EA's concerns, however, the LPA are awaiting a written response and Members will be updated at Committee on the EA's comments and any relevant conditions. However, standard conditions for signing to the EA's flood warning register has been suggested.

Health and Wellbeing

The scheme is not considered to raise any health and wellbeing issues.

SUMMARY/CONCLUSION

In the opinion of the Local Planning Authority, the development is acceptable in principle and the conversion will form an acceptable design solution that does not adversely affect the amenity of nearby residents or highway safety. The proposal is therefore considered to comply with the policies listed.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 02A, 04A and specification contained therein, submitted on 18/02/15. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 Before the development hereby permitted is first occupied, the property shall be signed up to receive flood warnings from the Environment Agency's flood warning register. **REASON:** To mitigate against the impacts of flood risk, in accordance with the National Planning Policy Framework.
- 4 The dwelling hereby permitted shall be not occupied unless and until the bin storage area has been provided in strict accordance with the approved plans. The bin storage area shall thereafter be retained in perpetuity. **REASON:** To protect the amenities of occupiers of the site and the character and appearance of the locality, in accordance with Policies DP1, DP2 and DP8 of the Warwick District Local Plan 1996-2011.
- 5 All external facing materials for making good in association with the alterations hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON:** To ensure that the

visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.

- 6 All window and door frames shall be constructed in timber and shall be painted and not stained. **REASON:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.



Planning Committee: 03 March 2015

Item Number: 9

Application No: W 14 / 1757

Registration Date: 09/01/15

Expiry Date: 06/03/15

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

Case Officer: Helena Obremski

01926 456531 Helena.Obremski@warwickdc.gov.uk

3 Haseley Court, Birmingham Road, Haseley, Warwick, CV35 7HG

Proposed erection of a single-storey building comprising summer room and store, positioned to the rear of the application property. FOR Mr S Waterworth

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

RECOMMENDATION

Planning Committee are recommended to REFUSE the application.

DETAILS OF THE DEVELOPMENT

Erection of a mono-pitched outbuilding to serve as a "summer room" and store, positioned to the rear of the application property, to the North Western corner of the application site.

THE SITE AND ITS LOCATION

The application site forms part of a mews complex of converted barns, situated next to Haseley Court. The site is washed over by Green Belt and the permitted development rights for Part 1 and Part 2 development have been removed from the site. There is dense vegetation and screening to the rear boundary of the application site and the rear gardens are separated by 1.8 metre close boarded timber fences.

PLANNING HISTORY

W/98/0770 - granted for the conversion of derelict barns into 6 dwellings, garaging and parking area.

W/05/1895 - granted for the proposed erection of a rear extension.

W/06/0485 - granted for the proposed erection of a single storey rear extension and insertion of two roof lights to the front roof slope.

W/08/0038 - granted for proposed conservation roof lights and first floor window.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- RAP7 - Converting Rural Buildings (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

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

Guidance Documents

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

SUMMARY OF REPRESENTATIONS

Beausale, Haseley, Honiley and Wroxall Parish Council: Supports the application as the proposed development falls within the exceptions in Paragraph 89 of the NPPF.

WCC Ecology: No objection, subject to the inclusion of a nesting bird note and recommendation of a buffer zone between the proposed works and hedgerow.

ASSESSMENT

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

- The impact on the character and appearance of the area
- The impact on the living conditions of nearby dwellings
- Whether the proposal constitutes appropriate development in the Green Belt and if not whether there are very special circumstances to outweigh the harm
- Renewable Energy
- Health and Wellbeing
- Ecological Impact

The impact on the character and appearance of the area

The National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions. Furthermore, Warwick District Council's adopted Local Plan 1996 - 2011 policy DP1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. Emerging Local Plan 2011 - 2029 policy BE1 echoes the existing Local Plan and calls for development to be constructed using the appropriate materials and to enhance the existing settlement. Finally, the Residential Design Guide sets out steps which must be followed in order to achieve good design in terms of the impact on the local area; the importance of respecting existing importance features; respecting the surrounding buildings and using the right materials.

The permitted development rights for Part 1 and Part 2 development have been removed from this site as it is part of a barn conversion. The adopted Historic Buildings Guidance for Barn Conversions states that outbuildings should not be permitted within the setting of a converted barns as this adds an alien and residential feature which should be avoided. Barns do not have outbuildings and the erection of the proposal would therefore harm the integrity and setting of the complex and would be contrary to the Council's guidance on barn conversions.

The impact on living conditions of nearby dwellings

Warwick District Council's adopted Local Plan policy DP2 and emerging Local Plan policy BE3 require all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a requirement for development not to cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion. The Residential Design Guide SPG provides a framework for policies DP2 and BE3, which stipulates 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.

Due to the positioning of the proposed outbuilding, none of the adjoining neighbours will be impacted as a result of the proposed development. There will be

no conflict with the Council's adopted 45 degree guidance from any of the adjoining neighbours. It is therefore considered that the proposed development complies with adopted Local Plan policy DP2, emerging Local Plan policy BE3 and the Residential Design Guide.

The impact on the Green Belt

The National Planning Policy Framework (NPPF) states the essential characteristics of Green Belt are openness and permanence. Paragraph 87 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Furthermore, Paragraph 88 states that substantial weight should be given to any harm to the Green Belt and that "very special circumstances" will not exist unless the potential harm to the Green Belt by reason of inappropriateness, is clearly outweighed by other considerations. Paragraph 89 states that the construction of new buildings within the Green Belt should be considered as inappropriate development.

Beausale, Haseley, Honiley and Wroxall Parish Council have supported the application and consider that the proposed development falls within the exceptions to new buildings set out in Paragraph 89 of the NPPF. This qualifies that new buildings can be constructed as limited infilling on previously developed sites, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. The Parish Council go on to say that there is no conflict with the fundamental aim of the Green Belt policy in preventing urban sprawl and there should be a presumption in favour of sustainable development.

The proposed development is considered to be inappropriate development by virtue that it is a new building within the Green Belt and is therefore by definition harmful to the Green Belt. In terms of the exception to Paragraph 89 presented by the Parish Council, garden land does not constitute previously developed land as defined in the NPPF and the building would have a material impact on openness.

No very special circumstances have been put forward by the applicant to outweigh the harm to the Green Belt and the proposed development is not considered to fall within the exception to Paragraph 89 of the NPPF as put forward by the Parish Council. Therefore, the proposed development is not considered to comply with the NPPF.

Renewable Energy

Due to the type of construction, it is considered that a requirement to provide 10% of the predicted energy requirement of the development through renewables in accordance with adopted Local Plan Policy DP13, emerging Local Plan policy CC2 and the associated SPD would not be appropriate.

Health and Wellbeing

N/A

Ecological Impact

WCC Ecology have commented on this application site, however, they consider that a cautionary nesting bird note and buffer zone note would be sufficient and that this application in its present form is acceptable and complies with Warwick District Council adopted Local Plan Policy DP3 and emerging Local Plan policy NE2.

CONCLUSION

The proposed outbuilding is not considered to be of appropriate design and is not considered to be appropriate development within the Green Belt. No special circumstances have been put forward which would outweigh the harm to the openness of the Green Belt and therefore, the application should be refused.

REFUSAL REASONS

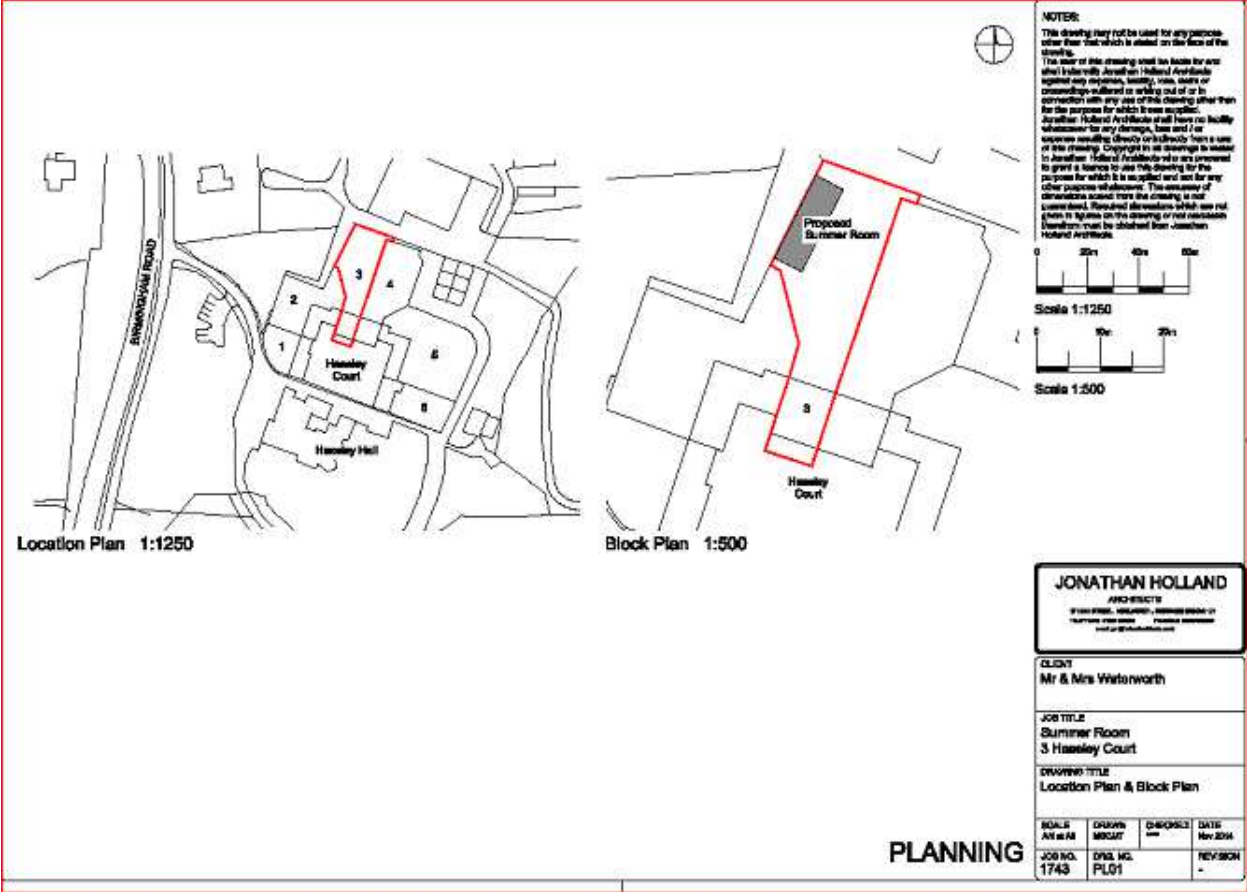
- 1 The application site is located within the Green Belt, wherein the Local Planning Authority is concerned to ensure that the rural character of the area will be retained and protected in accordance with national guidance contained in the National Planning Policy Framework (NPPF).

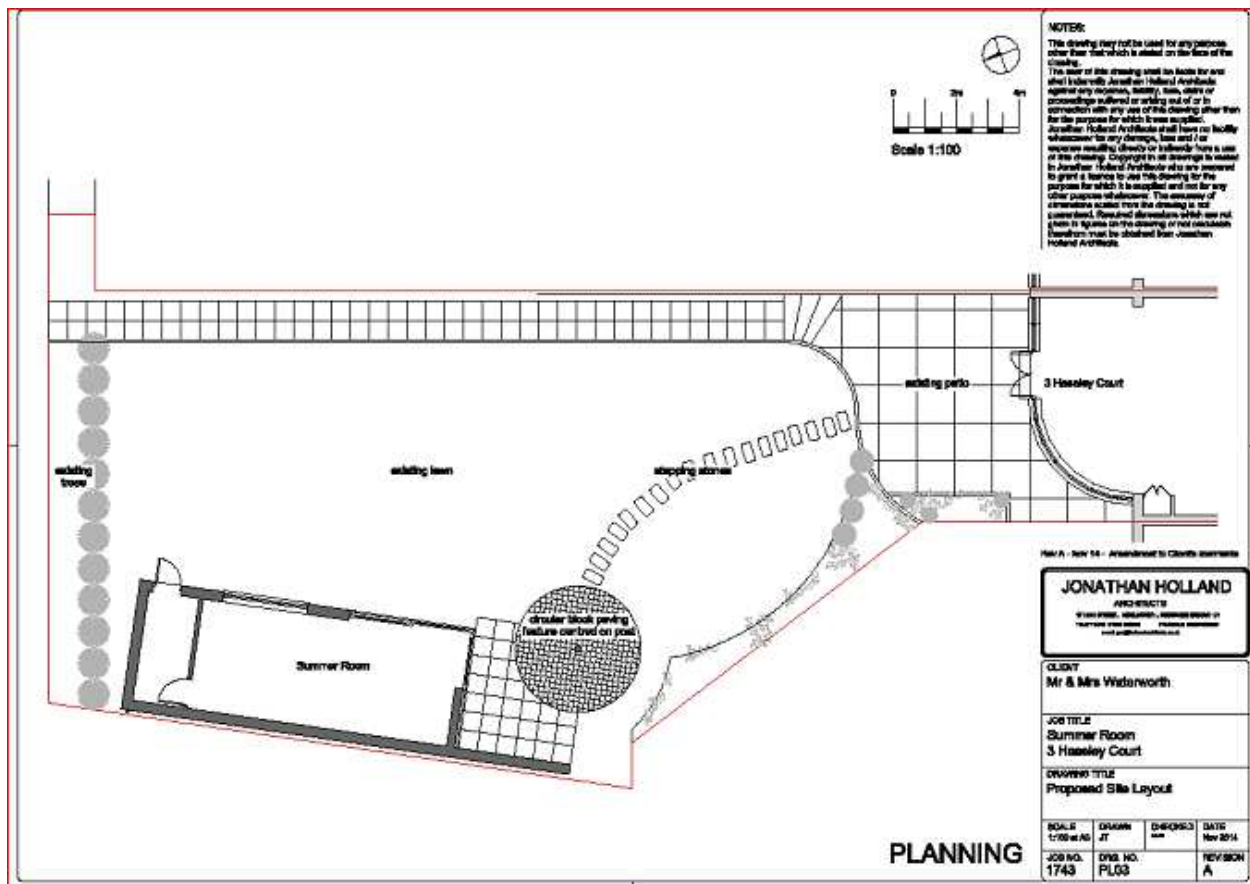
The erection of a new building constitutes inappropriate development in the Green Belt, which is harmful by definition. The proposed building would also have a material impact on openness. There have been no special circumstances presented to outweigh the harm identified. The proposal would therefore be contrary to the NPPF.

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

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

In the opinion of the Local Planning Authority, the proposed outbuilding would harm the setting of the converted barn complex by introducing an alien and incongruous residential feature which would detract from the original character, appearance and integrity of the complex of buildings, thereby prejudicing the objectives of the aforementioned policy and if permitted, this type of development could act as a precedent to other converted barns which would be difficult to resist.







Northeast Elevation

PLANNING

JONATHAN HOLLAND

ABSTRACT

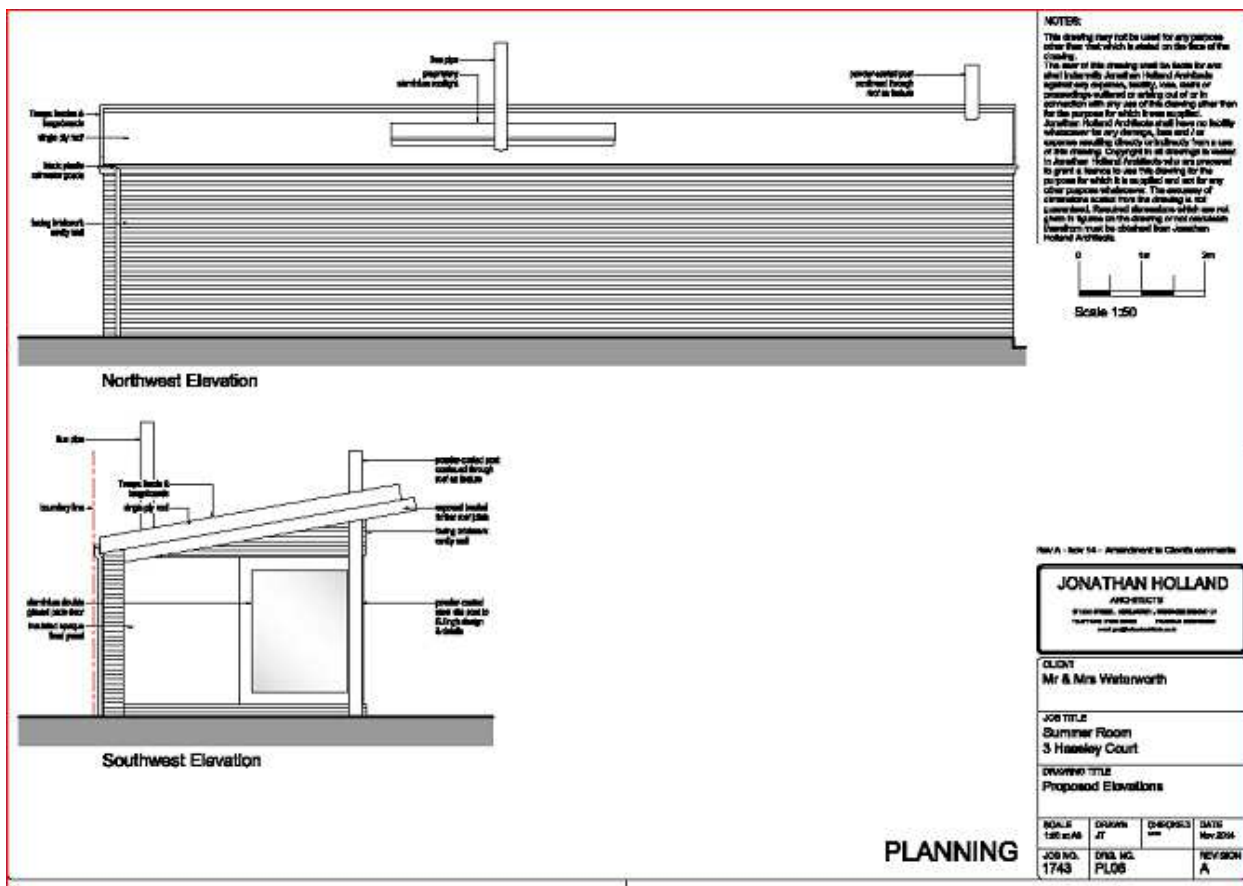
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CLIENT
Mr & Mrs Waterworth

JOB TITLE
Summer Room
3 Hasley Court

PROPOSED TITLE
Proposed Elevations

NOAL# 180100	DRAWN JT	DWGNO#3 ---	DATE Nov 2014
JOB NO. 1743	DWG. NO. PL05		REV. SHOWN -



Planning Committee: 03 March 2015

Item Number: 10

Application No: [W 14 / 1840](#)

Town/Parish Council:	Leamington Spa	Registration Date:	15/01/15
Case Officer:	Helena Obremski	Expiry Date:	12/03/15
	01926 456531 Helena.Obremski@warwickdc.gov.uk		

89 Leam Terrace, Leamington Spa, CV31 1DE

Erection of single storey side and rear extension and two storey rear extension.
FOR Mr & Mrs Goodwin

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

RECOMMENDATION

Planning Committee are recommended to GRANT planning permission.

DETAILS OF THE DEVELOPMENT

The application proposes the erection of a two storey rear extension with the addition of 3 side facing windows and a single storey rear flat roofed extension with parapet roof detailing.

The application has been amended in line with the Council's Conservation Architect's recommendations so that the entirety of the extensions will be rendered, with no timber cladding as originally proposed and the flat roof now includes parapet detailing.

THE SITE AND ITS LOCATION

The application property is a detached dwelling, with integral garage and driveway parking, positioned to the North of Leam Terrace. It is one of five traditional Regency style dwellings which were constructed in the 1920's and is located within the Royal Leamington Spa Conservation Area. The site is also situated within Flood Zones 2 and 3. The street scene is also characterised by other styles of detached and semi-detached properties, along with blocks of relatively modern flats.

PLANNING HISTORY

W/81/0622 - application granted for the erection of a single storey lounge and garage extension.

W/87/0870 - application granted for the erection of a kitchen extension and laundry room.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

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

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: Object for the following reasons: (i) The set of five houses in the Conservation Area are still mainly unchanged from when originally built and the proposal will compromise the architectural style both of this and the four similar properties. (ii) The design is disproportional and inappropriate and as a consequence will have an adverse impact on the Conservation Area. (iii) The size of the proposed extensions will adversely impact on the privacy and light of the neighbouring properties.

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

Health and Community Protection: No objection, subject to conditions.

Public Response: 3 objections have been received on the following grounds - Loss of light; loss of privacy; the two storey element is out of keeping with the existing property and surrounding Conservation Area; the proposed development is overbearing and disproportionate to the original dwelling; will set a precedent for further development of the area; increase in noise disturbance.

ASSESSMENT

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

- The impact on the character and appearance of the area
- The impact on living conditions of nearby dwellings
- The impact on the Conservation Area
- Flooding
- Renewable Energy
- Ecological Impact
- Health and Wellbeing

The impact on the character and appearance of the area

The National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development which should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions. Furthermore, Warwick District Council's adopted Local Plan 1996 - 2011 policy DP1 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. Emerging Local Plan 2011 - 2029 policy BE1 echoes the existing Local Plan and calls for development to be constructed using the appropriate materials and to enhance the existing settlement. Finally, the Residential Design Guide sets out steps which must be followed in order to achieve good design in terms of the impact on the local area; the importance of respecting existing importance features; respecting the surrounding buildings and using the right materials.

The proposed development will only be partly visible within the street scene as it will be situated to the rear of the application property. The proposed development is set down from the main ridge line of the application property in accordance with the Council's design guidance and has been amended to reflect the Conservation Architect's comments. The extensions will be constructed and finished using appropriate materials which match those of the existing dwelling and respect the character of the application property. Concerns have been raised by the Town Council and neighbours that the proposed development is overbearing and disproportionate to the original dwelling. However, as the development follows the guidance set out in the Council's Residential Design Guide SPG and will not be readily visible within the street scene, the overall impression of the application property will not be significantly altered and therefore it is not considered that the proposed extensions would constitute overbearing or disproportionate development. The proposal is considered to

comply with the NPPF, Warwick District Council's current Local Plan 1996 - 2011 policy DP1, Emerging Local Plan 2011 - 2029 policy BE1 and the Residential Design Guide SPG.

The impact on living conditions of nearby dwellings

Warwick District Council's adopted Local Plan policy DP2 and emerging Local Plan policy BE3 require all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a requirement for development not to cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion. The Residential Design Guide SPG provides a framework for policies DP2 and BE3, which stipulates 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 and that development should meet Council's adopted distance separation guidance.

The neighbouring property at number 91 is located to the Eastern boundary of the application site and is positioned further back than the application property. This neighbour has objected to the application on grounds of the potential for loss of light to their reception hall, staircase and bedroom corridor. As these are not habitable rooms, it is not considered that this would lead to significant material harm to of their living conditions. Furthermore, as the proposed extensions would not protrude any further than the rear elevation of this neighbour's property, there would be no breach of the Council's adopted 45 degree guidance. The two proposed side facing windows to the Eastern elevation will be conditioned to be permanently obscure glazed and non-opening unless above 1.7 metres in height in order to avoid any perception of increased overlooking. It is considered that there would be no material harm to the living conditions of Number 91 as a result of the proposed development.

The neighbouring property at number 87 is located to the Western boundary of the application site and benefits from a conservatory extension. This neighbour has objected to the proposal on grounds of the potential for loss of light, loss of privacy and increase in noise disturbance. At ground floor, the proposed development will not protrude any further than the existing ground floor extension, and therefore there will be no conflict with the Council's adopted 45 degree guidance. Furthermore, due to the distance separation between the properties at first floor, there is no conflict with the Council's adopted 45 degree guidance. The proposed first floor side facing window to the Western elevation will be conditioned to be permanently obscure glazed and non-opening unless above 1.7 metres in height in order to avoid any loss of privacy. However, it is considered that the windows facing the rear elevation will not cause any more increased overlooking than the existing rear facing windows. Noise relating to the development will be temporary during the construction phase and is therefore considered to be acceptable. It is considered that there would be no material harm to the living conditions of Number 87 as a result of the proposed development.

The neighbour at number 85 Leam Terrace which is located to the West of the application property has objected to the application due to loss of light and loss

of privacy. As this neighbour is not directly positioned next to the application property, it is not considered that there would not be a material loss of light as a result of the proposed development. Furthermore, the proposed side facing window to the West elevation of the application property will be obscure glazed as previously discussed in order to avoid any potential for loss of privacy.

There are no rear facing neighbours which could be impacted as a result of the proposed development.

It is considered that the proposed development complies with Warwick District Council's adopted Local Plan policy DP2, emerging Local Plan policy BE3 and the Residential Design Guide SPG.

The impact on the Conservation Area

Adopted Warwick District Local Plan policy DAP8 requires development to preserve or enhance the special architectural and historic interest and appearance of Conservation Areas. It goes on to state that development should respect the setting of Conservation Areas and should not impact on important views from inside and outside of the boundary. Emerging Local Plan policy HE2 requires that new development within the Conservation Area should make a positive contribution to the local character and distinctiveness of the Conservation Area. Current Local Plan policy DAP9 relating to unlisted buildings in Conservation Areas reiterates this by stipulating that alterations and extensions should be refused where they adversely affect the character, appearance or setting of a Conservation Area.

The proposed development will be constructed using sympathetic materials which match those of the existing dwelling and will not substantially alter the wider views of the Conservation Area. The proposed development is considered to respect the original dwelling in terms of scale and design.

The Town Council and three neighbours have objected to the application on grounds that the proposed development will harm the character and appearance of the Conservation Area. The concerns focus on the fact that this row of 5 detached properties has remained largely unchanged since they were constructed and that the proposal will unbalance and break up the rhythm of the architecture at the rear of these properties. However, it is considered that the proposed development has been sympathetically designed to respect the character of the application property through discussions between the agent and Conservation Architect. It is noted that the application property is not a listed building and that the established street scene will not be significantly affected by the proposal. Therefore, it is considered that the proposed development complies with Warwick District current Local Plan policy DAP8 and Emerging Local Plan policy HE2.

Flooding

The application was accompanied by a Householder Flood Risk Assessment required as part of the Environment Agency's (EA) standing advice for householder development in Flood Zones 2 and 3. It is stated that floor levels within the proposed development will be set no lower than existing levels and

flood proofing of the proposed development will be incorporated. No details have been provided, however, it is considered that this can be secured by condition. The proposal therefore satisfies the requirements of the EA and will provide an appropriate form

Renewable Energy

Due to the scale of the proposed extensions the applicant has submitted information detailing how 10% of the energy is to be provided by renewables. Further information is required in relation to this which will be secured by condition. The neighbours at numbers 87 and 91 have commented that they have concerns regarding the potential noise disturbance caused by an air source heat pump as proposed. However, a condition will be imposed in order to ensure that the noise generated by the air source heat pump is limited. As such, the proposals are considered to be in accordance with current Local Plan policies DP12 and DP13 and the emerging Local Plan policy CC2.

Ecological Impact

WCC Ecology have commented on this application site, however, they consider that a cautionary bat note and nesting bird note would be sufficient and that this application in its present form is acceptable and complies with current Local Plan policy DP3 and emerging Local Plan policy NE2.

Health and Wellbeing

N/A.

CONCLUSION

In conclusion, it is considered that the proposed two storey rear extension and single storey rear extension are acceptable in terms of flooding, its character and appearance within the street scene and does not significantly impact on the amenities of surrounding neighbours or the Conservation Area such as would support a reason for refusal.

CONDITIONS

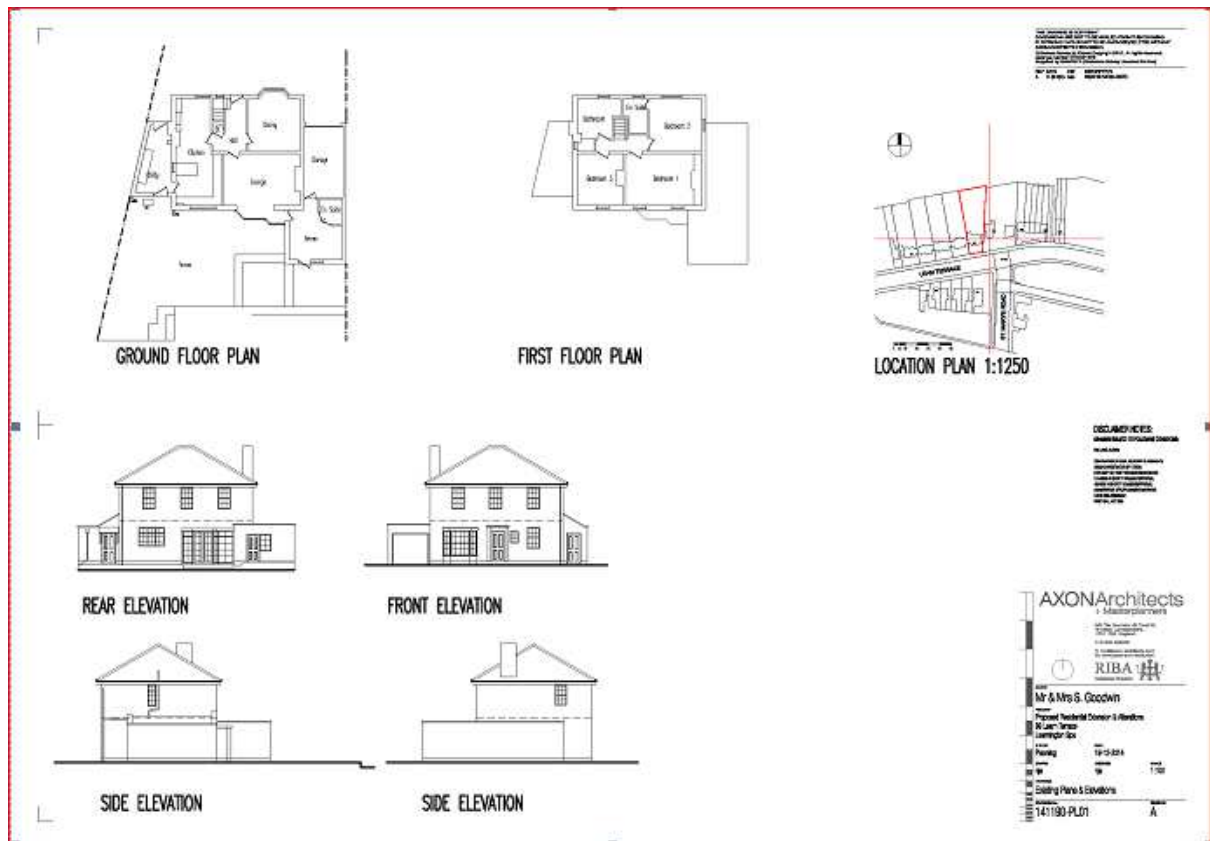
- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved amended drawing 141190-PL02 Revision A, and specification contained therein, submitted on 17th February 2015. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 The development hereby permitted shall not be commenced unless and

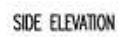
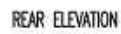
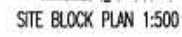
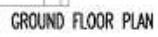
until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO² emissions would be reduced through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

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

- 4 The development hereby permitted shall not commence until details of proposed floor levels and flood proofing / resilience and resistance techniques in accordance with 'Improving the flood performance of new buildings' (DCLG 2007) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in strict accordance with the approved details. **REASON:** To secure a satisfactory form of development in accordance with the Environment Agency's Standing Advice.
- 5 No development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.
- 6 Before the development hereby permitted is occupied, a Flood Management Plan shall be submitted to and approved in writing by the local planning authority.
 - a) Contact numbers and sources of additional information for occupants
 - b) Triggers in respect of flood risk events that require a response
 - c) A clear set of actions for each phase of the response; and
 - d) Provision for regular updating and testing of the plan.
- 7 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policies DP1 and DAP8 of the Warwick District Local Plan 1996-2011.

- 8 Prior to the occupation of the development hereby permitted, the side windows in the North East and South West elevations shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed windows shall be retained and maintained in that condition at all times. **REASON:** To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011.
- 9 If an air source heat pump is chosen as the method to comply with the requirement for renewable energy, noise arising from the air source heat pump(s) permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **REASON:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.
-





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RIBA
London

Mr & Mrs S. Goodwin

Physical Therapist Assistant - 10/1/2010
10/1/2010

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Journal of Internal Medicine 255: 105–112

Page	19-0-004	
Rev	1	1/1

Proceed Plans & Elevations

141190-PL02 A

100

Application No: [W 15 / 0020](#)

Town/Parish Council: Leamington Spa
Case Officer: Rob Young

01926 456535 rob.young@warwickdc.gov.uk

Registration Date: 12/01/15

Expiry Date: 13/04/15

Unit 3, Regent Court, Livery Street, Leamington Spa, CV32 4NG

Variation of condition 6 of planning permission ref. W/13/1578 to allow for the creation of an outdoor seating area in front of Unit SU3, Regent Court to be used between 0930 hours and 2100 hours (the restriction will remain in place for the remainder of the units covered by planning permission ref. W/13/1578, except Units 2, 6 and 7a where outdoor seating areas have previously been expressly authorised for use between 0930 hours and 1930 hours). FOR New River Retail

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

RECOMMENDATION

Planning Committee are recommended to GRANT this variation of condition, subject to conditions.

DETAILS OF THE DEVELOPMENT

The application proposes the variation of condition 6 of planning permission ref: W/13/1578 to allow for the creation of an outdoor seating area in front of Unit 3. This relates to an area of 30.6 sq. m and would provide space for 32 covers. The restriction will remain in place for the remainder of the units covered by planning permission ref: W/13/1578, other than those where external seating areas have been expressly permitted (i.e. Units 2, 6 and 7a).

THE SITE AND ITS LOCATION

The application relates to a shop unit on the southern side of Livery Street. The site is situated within the retail area of Leamington Town Centre and within the Leamington Spa Conservation Area. There are flats on the upper floors of the building and on the upper floors of the building opposite.

The unit has planning permission for a change of use to a restaurant (Use Class A3). Livery Street is pedestrianised and some of the other units along the street have external seating areas to the front, including Las Iguanas, Nandos, Bar Angeli and Zou Bisou.

PLANNING HISTORY

In 2002 planning permission was granted for Change of use and conversion of Regent Hotel at basement and ground level (in parts) for Class A1 or A3 purposes with continued use of upper floors for hotel purposes; Erection of a new mixed development of 132 flats with ground floor Class A1 or A3 units and a basement car park for 131 vehicles accessed off Regent Grove. The scheme included alterations and extensions to Listed Buildings within the site including the demolition of rear wings to the Regent Hotel, No. 90 Regent Street and 31 Regent Grove, the demolition of non-listed buildings within the site, and the creation of a new street linking Regent Street and Parade (Ref. W01/0483).

In May 2013 planning permission was granted for the creation of an outdoor seating area outside Nandos (ref: W/13/0350). This was a one year temporary permission to enable the effects of the use to be assessed before considering a permanent permission.

In July 2013 planning permission was granted for "Removal of condition 17 of planning permission W/01/0483 (condition 17 restricts the total amount of A3 (restaurant and cafe) floorspace within the units fronting Livery Street and Regent Street to no more than 1,115 sq m)" (ref: W/13/0528). This permission was granted on the understanding that planning permission would still be required for the change of use of individual units. NB. Nandos was in accordance with the original 2002 planning permission and therefore was not subject to this later removal of condition application.

In December 2013 planning permission was granted for the change of use of Unit 11 from retail (Use Class A1) to a restaurant (Use Class A3) (ref. W/13/1339).

In February 2014 planning permission was granted for "Change of use of ground floor retail units (Use Class A1) to cafes / restaurants (Use Class A3) (known as units SU1C, SU2A, SU3A, SU3B, SU4, SU5, SU6, SU7A, SU7B, SU8, SU12); shopfront alterations; public realm works; and alterations to highway land at the Regent Street entrance" (Ref. W13/1578). This permission related to the other units along Livery Street that are not currently operating as cafes / restaurants.

In May 2014 and October 2014 planning permissions were granted for external seating areas outside Units 2, 6 and 7a (Refs: W/14/0430, W/14/0437 & W/14/1136). These permissions were subject to various conditions, including a restriction on the hours of use of the external seating areas to between 0930 hours and 1930 hours, a prohibition on the movement of furniture within the external seating areas outside of those hours, a requirement for all furniture to be fitted with rubber stoppers, a requirement for compliance with an Operational Management Plan, a requirement for canopies to be fitted and a limit on the number of covers to be provided within each external seating areas.

In June 2014 a permanent planning permission was granted for the external seating area outside Nandos (Ref. W14/0695). This was subject to the same conditions as for Units 2, 6 and 7a.

RELEVANT POLICIES

- National Planning Policy Framework
- DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
- DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- TCP13 - Design of Shopfronts (Warwick District Local Plan 1996 - 2011)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- TCP5 - Secondary Retail Areas (Warwick District Local Plan 1996 - 2011)
- DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- Vehicle Parking Standards (Supplementary Planning Document)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Design Advice on Shopfronts & Advertisements in Royal Leamington Spa (Supplementary Planning Guidance).

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: Object on the grounds of harm to the living conditions of nearby dwellings.

Cllr Jerry Weber: Objection. If outside seating is permitted, it should be in line with other premises on Livery Street i.e. 19.30.

Environmental Health: Comments awaited.

Public response: 16 objections have been received, raising the following concerns:

- increased noise and disturbance;
- noise from tables being dragged inside late at night;
- residents already have to keep their windows closed because of the noise;
- the existing 7.30pm cut-off for external seating was agreed after many hours of long considered discussions and compromise from residents and there should not be any deviation from this;
- increased smoke and smells;
- this is not suitable for a residential area;
- other restaurants will follow suit if this is permitted;
- loss of privacy;
- the combination of tall buildings lining a narrow alley with hard surfaces causes a canyoning effect amplifying noise to residents above; and

these restaurants are happy to operate in other towns without outside seating.

ASSESSMENT

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

- the impact on the living conditions of nearby dwellings; and
- the impact on the character and appearance of the Conservation Area.

Impact on the living conditions of nearby dwellings

There are residential properties in close proximity to the proposed external seating area, on the upper floors of the application property and on the opposite side of Livery Street. However, following extensive discussions in relation to noise issues, a number of proposals for outdoor seating areas were approved at other units in Regent Court last year. These approvals were subject to a number of conditions, including a prohibition on the use of the outdoor seating areas after 1930 hours. Therefore the principle of outdoor seating areas in Regent Court has been established. The issue of concern for objectors in the current case is the extension of the hours of use of this particular external seating area to 2100 hours.

The applicant advises that a 1930 hours restriction is not acceptable to the prospective occupier of Unit 3. The applicant advises that the prospective occupier, Cote, would not consider leasing the unit unless they are permitted to have outdoor seating until 2100 hours.

The applicant has submitted a letter in support of the application which outlines the landlord's vision to transform Regent Court into a restaurant quarter to address issues with vacancies and a lack of footfall in this part of the town centre. This transformation has been successful to date, attracting new occupiers including Yo Sushi, Zou Bisou, Turtle Bay, Las Iguanas and Gourmet Burger Kitchen. This has generated significant benefits for the vitality and viability of the town centre as a whole.

The applicant advises that the addition of Cote in Unit 3 will build on this successful letting strategy and raise the bar in terms of the quality of the food offer at Regent Court. Cote is a contemporary French restaurant and brasserie, serving simple, high quality French food in stylish surroundings. The applicant considers that the quality of offer provided by Cote will assist in raising further the standard and reputation of Regent Court and in securing future high quality lettings.

The applicant has also agreed to implement the other measures to mitigate any noise impact that were agreed in relation to the other permissions. This includes the provision of an acoustically absorbent canopy and the implementation of an Operational Management Plan which will include measures for dealing with any noise issues. Restrictions on the movement of any external tables and chairs and the provision of rubber stoppers will also apply.

Environmental Health did not object to the original proposals for a 2130 hours cut off for external seating last year. Their comments on the current application are awaited and will be included in the addendum report to Committee.

The decision in the current case requires a careful balance to be struck between protecting the living conditions of neighbouring dwellings and preserving the vitality and viability of the town centre. In this case, it is apparent that a quality restaurant operator that the Council would wish to attract to the town centre will not take up a lease unless they are permitted to have external seating until 2100 hours. Attracting such an operator to the town is a benefit of the proposals that must be weighed in the balance. Furthermore, whilst the provision of an external seating area until 2100 hours would have some limited impact on nearby residents, it is important to bear in mind that the proposals relate to a busy commercial street at the heart of the town centre. Furthermore, the nature of the prospective occupier is such that the proposals are unlikely to create the type of noise issues that might be associated with other types of restaurant operator. Therefore, taking all of these factors into account, together with the various mitigation measures that have been proposed, it is considered that the proposals would not cause unacceptable noise and disturbance for nearby dwellings.

Impact on the character and appearance of the Conservation Area

It is considered that the outdoor seating area would have an acceptable impact on the character and appearance of the Conservation Area. In reaching this conclusion it is noted that this is a modern shopping street within the Conservation Area where outdoor seating areas are an established feature of the street scene. The physical features defining the external seating area (e.g. the canopy and planters) have already been approved under planning permission no. W13/1578.

SUMMARY / CONCLUSION

The proposals would have an acceptable impact on the living conditions of neighbouring dwellings and on the character and appearance of the Conservation Area. Therefore it is recommended that planning permission is granted for the variation of this condition.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 301B, 302A, 303A, 304B, 307A & 309A, and specification contained therein, submitted on 17 January 2014 in relation to planning application no. W13/1578, drawing no. 0132, submitted on 20 March 2014 in relation to planning application no.

W14/0430, drawing no. 0134, submitted on 27 March 2014 in relation to the planning application no. W14/0437, drawing no. 0135, submitted on 25 July 2014 in relation to planning application no. W14/1136 and drawing no. 013, submitted with the current application. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1, DP2 and DAP8 of the Warwick District Local Plan 1996-2011.

- 3 The development hereby permitted shall be carried out only in full accordance with sample details of the facing and surfacing materials which shall have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policies DP1 and DAP8 of the Warwick District Local Plan 1996-2011.
- 4 No development shall be carried out on the site which is the subject of this permission until further details of the box planters, tree pots, litter bins, public art, canopies and seating have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON :** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.
- 5 No customers shall be permitted to be on the premises other than between 0730 and 2330 hours on any day. **REASON:** To ensure that the premises are not used at a time which would be likely to cause nuisance or disturbance to nearby residents in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.
- 6 No external seating shall be provided in association with any of the restaurants hereby permitted, except for the areas in front of Units 2, 3, 6 and 7a shown on drawing nos. 013, 0132, 0134 & 0135. No customers shall be permitted to use these external seating areas before 0930 hours or after 1930 hours on any day. At all times that these external seating areas are in use, the canopies to be approved under Condition 11 shall be maintained in the open position between 1700 hours and 1930 hours. No furniture within the external seating areas shall be moved before 0930 hours or after 1930 hours on any day. Any part of any furniture that is in contact with the ground shall be fitted with rubber stoppers to minimise noise. **REASON :** To protect the living conditions of nearby dwellings, in accordance with Policies DP2 and DP9 of the Warwick District Local Plan.
- 7 No deliveries, waste collections or other noisy activities likely to cause nuisance to nearby residents shall take place before 0700 hours or after 2130 hours on Monday to Saturday or before 0900 hours or after 1800 hours on Sundays. **REASON:** To ensure that noisy activities do not take place at a time which would be likely to cause nuisance or

disturbance to nearby residents in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

- 8 Noise arising from any plant or equipment, when measured one metre from the façade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB(A) (measured as LAeq(5 minutes)). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **REASON:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.
- 9 No restaurant / cafe hereby permitted shall be occupied unless:
- (a) a noise assessment has been undertaken to assess the impact of noise arising from any plant, fume extraction, air conditioning or refrigeration equipment that is required to serve that unit;
 - (b) a noise assessment has been undertaken to assess the suitability of the existing sound insulation in the ceiling of that unit to ensure that internal noise levels within adjoining or nearby residential premises comply with the criteria outlined in BS8233:1999 and World Health Organisation guidelines;
 - (c) the results of the noise assessments carried out to comply with criteria (a) and (b), together with details of any necessary mitigation measures, have been submitted to and approved in writing by the local planning authority; and
 - (d) any necessary mitigation measures approved under (c) have been implemented in full accordance with the approved details.

The mitigation measures shall be retained at all times thereafter and shall not be removed or altered in any way without the prior written approval of the local planning authority.

REASON: To ensure that the premises are not used in a manner prejudicial to or likely to cause nuisance or disturbance to the occupiers of nearby properties in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

- 10 No restaurant / cafe hereby permitted shall be occupied unless:
- (a) an odour assessment has been undertaken to assess the impact of odour arising from cooking and any proposed fume extraction system that is required to serve that unit;
 - (b) the results of the odour assessments carried out to comply with criterion (a), together with details of any necessary mitigation measures, have been submitted to and approved in writing by the local planning authority; and
 - (c) any necessary mitigation measures approved under (b) have been

implemented in full accordance with the approved details.

The mitigation measures shall be retained at all times thereafter and shall not be removed or altered in any way without the prior written approval of the local planning authority.

REASON: To ensure that the premises are not used in a manner prejudicial to or likely to cause nuisance to the occupiers of nearby properties in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

- 11 No restaurant / cafe hereby permitted shall be occupied unless:

(a) details of an acoustically absorbent canopy, to include enclosed sides, have been submitted to and approved in writing by the local planning authority; and
(b) the canopy approved under (a) has been installed in strict accordance with the approved details.

The canopy shall be retained and maintained in accordance with the approved details at all times that the premises are used as a restaurant / cafe.

At all times that Units 2, 6 and 7a are used as a restaurant / cafe, the canopies to those units shall be maintained in a fully open position between 1700 hours and 2330 hours.

REASON : To protect the living conditions of nearby dwellings, in accordance with Policies DP2 and DP9 of the Warwick District Local Plan.

- 12 All of the restaurants / cafes hereby permitted shall be operated in strict accordance with the Operational Management Plan submitted on 12 May 2014 (in relation to planning application nos. W14/0430 and W14/0437). **REASON :** To protect the living conditions of neighbouring dwellings and to prevent crime and anti-social behaviour, in accordance with Policies DP2, DP9 and DP14 of the Warwick District Local Plan.

- 13 No restaurant / cafe hereby permitted shall be occupied unless:

(a) details of a refuse storage area for that unit have been submitted to and approved in writing by the local planning authority; and
(b) the refuse storage area approved under (a) has been constructed and laid out in strict accordance with the approved details.

The refuse storage area shall thereafter be kept free of obstruction and be available at all times for the storage of refuse associated with the development.

REASON: To ensure the satisfactory provision of refuse storage

facilities in the interests of amenity and the satisfactory development of the site in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.

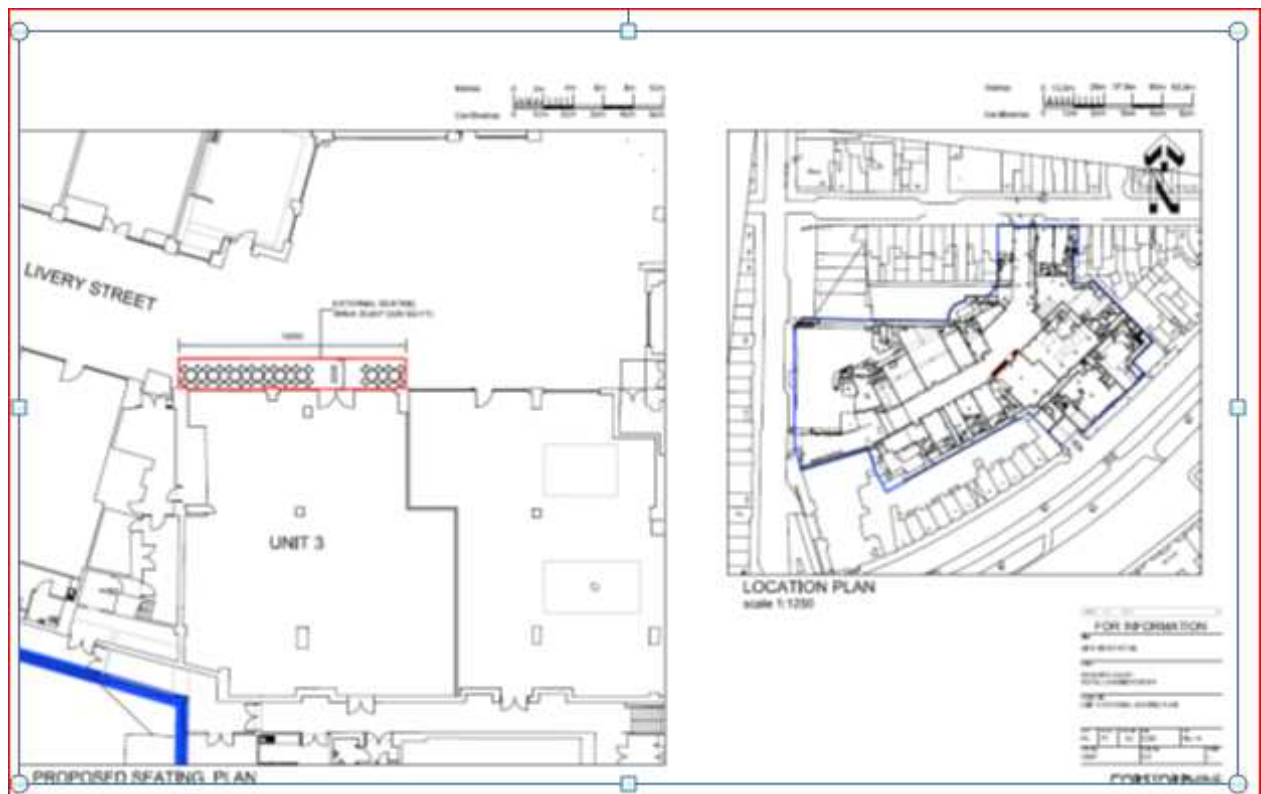
- 14 No more than two of the restaurant / cafes hereby permitted shall be occupied unless:

(a) a CCTV scheme for Livery Street has been submitted to and approved in writing by the local planning authority; and
(b) the CCTV scheme approved under (a) has been implemented in strict accordance with the approved details.

REASON: In the interests of reducing crime and anti-social behaviour, in accordance with Policy DP14 of the Warwick District Local Plan 1996-2011.

- 15 No lighting or illumination of any part of any buildings or the site shall be installed or operated unless and until details of such measures shall have been submitted to and approved in writing by the local planning authority and such works, and use of that lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details. **REASON:** To ensure that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

- 16 No more than 28 covers shall be permitted in the external seating area of Unit 2 at any one time. No more than 32 covers shall be permitted in the external seating area of Unit 3 at any one time. No more than 24 covers shall be permitted in the external seating area of Unit 6 at any one time. No more than 16 covers shall be permitted in the external seating area of Unit 7a at any one time. **REASON:** To ensure that the premises are not used in a manner prejudicial to or likely to cause nuisance or disturbance to the occupiers of nearby properties in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.
-



Planning Committee: 03 March 2015

Item Number: 12

Application No: [W 15 / 0117](#)

Town/Parish Council: Warwick

Case Officer:

Liam D'Onofrio

01926 456527 liam.donofrio@warwickdc.gov.uk

Registration Date: 28/01/15

Expiry Date: 25/03/15

Nexus House, 10 Coten End, Warwick, CV34 4NP

Demolition of existing out building and the erection of a two storey dwelling FOR
Mr Jhita

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

Planning permission is sought for the demolition of existing out-buildings and the erection of a two-storey, one-bedroom dwellinghouse. The dwelling will have integral parking for one vehicle, a bedroom, bathroom and hallway at ground floor and open plan living-room/kitchen at first floor with access onto a balcony. The building will be individually designed with a mono-pitch roof, brickwork and timber cladding.

A new store will link the rear of the shop to the proposed dwelling with separate pedestrian access from Bartlett Drive. This provides a new storage area for the retail unit fronting Coten End, replacing the existing outbuildings to the rear on the application site.

This proposal is accompanied by a Design and Access Statement and a bat report.

THE SITE AND ITS LOCATION

The application site relates to single storey outbuildings located to the rear of 10 Coten End, which is a two-storey building with a ground floor retail unit. The site is bounded on three sides by Bartlett Close, a private road, which serves several dwellinghouses. The site is within the built up area of Warwick, close to the Town Centre. It falls outside of the conservation area and is just outside flood zone 2/3.

PLANNING HISTORY

W/14/1218 Erection of two-storey dwellinghouse: Withdrawn 06/10/14

W/12/1228 Erection of 2-storey building containing 2 No. 2-bedroom flats:
Refused 07/01/13 on the grounds of design, access and to the absence of a bat survey.

Extension to shop approved in 1973. Change of use of first floor to offices approved in 1978. Conversion to one 1-bed and one 3-bed flats, with retention of shop, approved in 2009 (W09/1036).

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- HE3 - Control of Advertisements in Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

- Open Space (Supplementary Planning Document - June 2009)
- Distance Separation (Supplementary Planning Guidance)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Vehicle Parking Standards (Supplementary Planning Document)
- Sustainable Buildings (Supplementary Planning Document - December 2008)

SUMMARY OF REPRESENTATIONS

Warwick Town Council: No response received to date.

WCC Ecology: No objection.

WCC Highways: No objection.

WCC Archaeology: No objection, subject to conditions.

WDC Waste: No objection.

Public response:

There have been six objections raising the following concerns:

- Existing parking problems including this unrestricted road being used by shoppers/workers for parking.
- The garage access would reduce one parking space.
- Cars will emerge close to a bend, which is highly dangerous.
- Loss of light and privacy.
- The demolition of historic brickwork, which is detrimental to character of the site.
- The impact upon a tree/wildlife.
- The significant archaeological potential within the area.

Cllr Angela Warner (WCC) has raised the following concerns:

- Loss of light.
- The land is amenity space which should be equally shared between residents for parking.

ASSESSMENT

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

- The principle of the development;
- The impact on the Character and Appearance of the Area;
- The impact on the living conditions of nearby dwellings;
- Car Parking and Highway Safety;
- Ecology/landscaping;
- Health and Wellbeing.

The Principle of the Development

Policy UAP1 states that residential development will be permitted on previously developed land and buildings within the confines of the urban area. However, the National Planning Policy Framework (NPPF) 2012 states (para.49) that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites against their housing requirement. In terms of the most recent evidence of housing need, the Council cannot demonstrate a five year supply. Accordingly, only limited weight can be afforded to Policy UAP1, and in these circumstances the NPPF requires applications to be considered in the context of the presumption in favour of sustainable development. This states at paragraph

14 that where the development plan policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF.

The scheme will contribute towards helping the Council meet its five year requirement, will result in the more efficient use of urban land, and is located in a sustainable location with good access to services and public transport links. No further adverse impacts are considered to be raised, as considered below.

The impact on the Character and Appearance of the Area

The previous scheme submitted under W/14/1218, which was subsequently withdrawn, introduced a flat roofed rendered building, which was not considered to provide a sympathetic design solution. The current scheme has improved the design with a shallow mono-pitch roof and brick finish and timber cladding providing a vertical emphasis to fenestration. It will be important to condition external facing materials, including the balcony balustrade detail to ensure it is visually acceptable and provides an appropriate design solution.

The dwelling will sit largely on its own surrounded by highway on three sides and a more innovative design is therefore necessary. The proposed dwelling will be well-proportioned with appropriate bulk and mass and is considered to sit appropriately within the streetscene, replacing existing dilapidated out-buildings that provide no visual merit. The new link between the proposed dwellinghouse and No.10 Coten End raises no design issues.

Although there are views into Bartlett Close from the adjacent Coten End conservation area the dwelling is set well-back from this streetscene with only limited views of the site glimpsed between buildings. The scheme is not considered to harm the character or setting of the conservation area.

The impact on the living conditions of nearby dwellings

The proposed building exceeds necessary separation distances in terms of built form to surrounding bungalows located to the southwest and south. The separation distance between the proposed dwelling and No.1 Bartlett Close (a two-storey property) is some 10 metres, however this is at the lowest point of the proposed structure on the 4.4 metre high balcony section. The impact upon the outlook and amenity of this neighbour is not therefore considered to be so significant as to warrant refusal of the scheme.

The necessary window-to-window separation distances set in SPD are typically 20 metres, however this is extended to 27 metres where habitable rooms are proposed at first floor, as in this case, to maintain an acceptable level of privacy. The distance between the southwest (principle) elevation and properties on the opposite side of Bartlett Close is 18.6 metres, however the ground floor window relates to a non-habitable stairway, as does the first floor window directly above and the first floor dining-room window will be obscure glazed, avoiding any loss of privacy. The windows to the northeast (rear) elevation face onto a parking area and given the oblique view between windows no significant harm is considered. The balcony, typically a contentious feature, has been carefully

designed to avoid any overlooking potential. The cross-section illustrates a 2 metre high mesh to enclose the courtyard and avoid overlooking of neighbouring properties and gardens. A condition is suggested to gain greater details of this enclosure to ensure that it achieves an opaque screen.

In terms of the amenities of future residents the proposal is considered to provide a good quality residential environment commensurate to a one-bedroom unit. There is an outside balcony area for sitting out and the site is in close proximity to the Town's St Nicholas and Priory Parks.

Car Parking and Highway Safety

The Highway Authority have advised that as the proposed development is for a one-bedroom dwelling which would require one parking space, which has been provided. Concerns have been raised that the proposed development would reduce the level of parking available for existing residents however, the space fronting the proposed access is not a designated parking area. Further the proposed access into the parking space is only required to be 3 metres wide, which would reduce the notional space available for one vehicle to park. Any such loss of on street parking capacity is not considered to be detrimental to public highway safety or the amenities of nearby residents. As the site is located within the cul-de-sac Bartlett Close, the volume and speed of vehicles are likely to be low. Also, the proposed development is unlikely to increase the potential for vehicle conflict. The Highway Authority have therefore raised no objection, subject to the conditions.

Flood Risk

The site falls within flood zone 1 and as such no issues are raised in this regard.

Renewable Energy

The applicant has confirmed that the new dwelling will incorporate air source heat pumps and/or PV panels to produce 10% of the predicted energy requirement in accordance with Policy DP13. This can be secured by condition.

Ecological Impact

The Ecologist noted that externally the existing building offered numerous opportunities for bats and a pre-determinative bat survey was requested under W/14/1218. The bat survey has been submitted and no evidence of bats has been found internally. The potentially suitable points for bats were inspected and it was concluded by the bat worker that bats had not used these features and on closer inspection some were deemed unsuitable. The Ecologist has therefore raised no objection to the scheme. A bat/nesting bird note is suggested.

The strip of land to the south of the site is a mix of hardstanding and shrubs and has a conifer tree. Although this tree has no particular merit the applicant has specified that it will be retained and tree protection measures are therefore suggested to avoid its unnecessary loss.

Health and Wellbeing

N/A

Other Matters

WCC Archaeology have stated that the proposed development lies within an area of significant archaeological potential, within the probable extent of the eastern suburb of medieval Warwick (Warwickshire Historic Environment Record MWA 7050). There is therefore a potential for the proposed development to disturb archaeological deposits, for example structural remains, boundary features and rubbish pits, associated with the occupation of Warwick during the medieval and later periods. Whilst the Archaeologist raises no objection to the principle of development a condition is suggested to secure archaeological work should the application be granted.

SUMMARY/CONCLUSION

In the opinion of the Local Planning Authority, the development is acceptable in principle and will provide an acceptable design solution that does not adversely affect the amenity of the streetscene, nearby residents or highway safety. The proposal is therefore considered to comply with the policies listed.

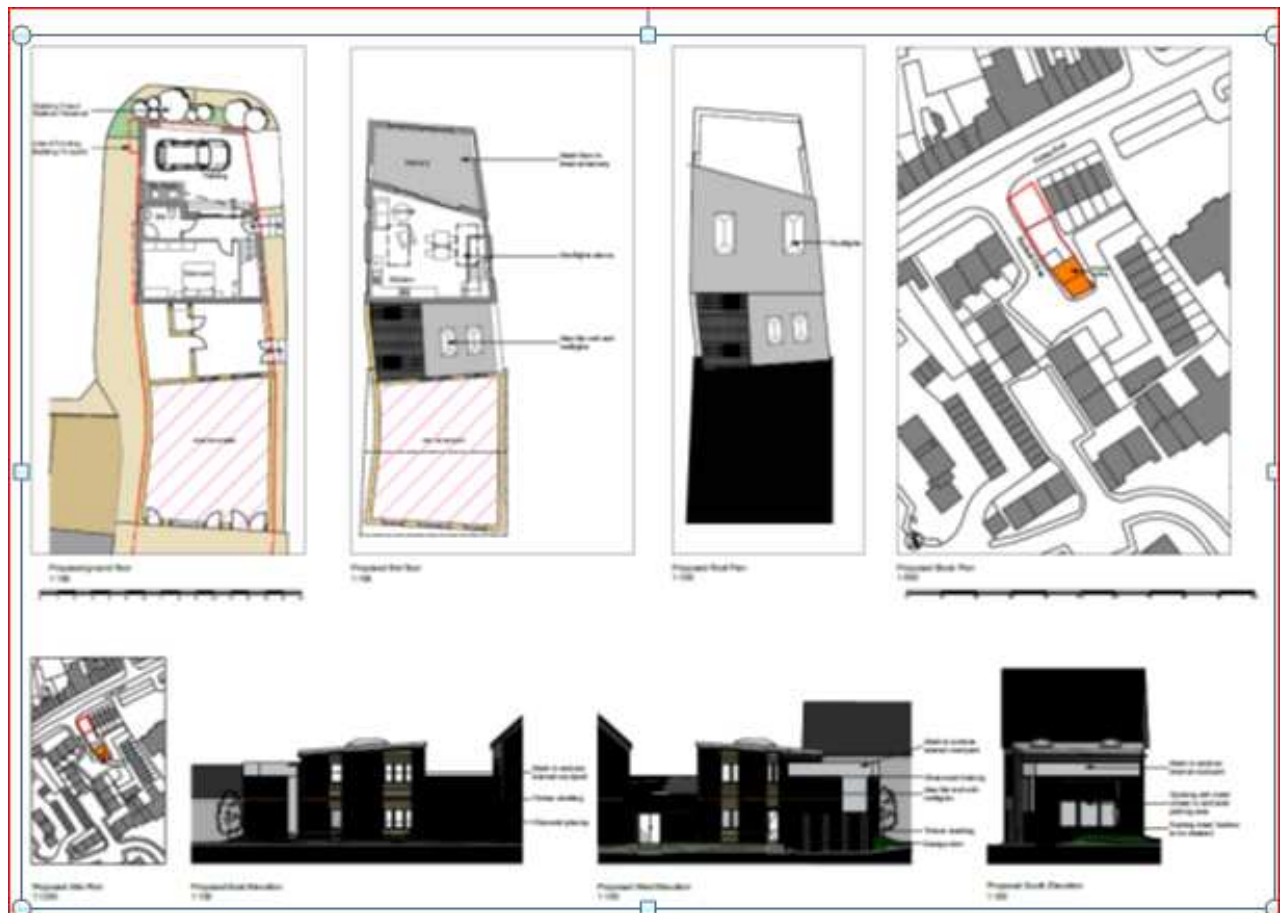
CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 0505-A0502-D, and specification contained therein, submitted on 28/01/15. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 The development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO² emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

- 4 The development shall be carried out only in full accordance with sample details of the facing and roofing materials, which shall have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.
- 5 Notwithstanding approved plans the balcony hereby permitted shall not be used unless and until the privacy screen(s) have been installed in full accordance with 1:10 large scale details, to be submitted to and approved in writing by the local planning authority. Once installed such screens shall not be removed or altered in any way. **REASON:** In the interests of the visual amenities and natural environment of the locality in accordance with Policies DP3 of the Warwick District Local Plan 1996-2011.
- 6 No part of the development hereby permitted shall be commenced (including demolition) until a scheme for the protection of the existing tree to be retained adjoining the site has been submitted to and approved in writing by the Local Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837:2012, Trees in Relation to design, demolition and construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place without the prior consent in writing of the Local Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **REASON:** In order to protect and preserve an existing tree adjacent to the site which is of amenity value in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.
- 7 No development shall take place within the application site, unless and until a programme of archaeological works and investigations has been secured and initiated in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. **REASON:** In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected were applicable, before development commences in accordance with Policy DP4 of the Warwick District Local Plan 1996-2011.
- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) no further windows or openings (apart from any shown on the approved drawings) shall be formed in the dwellinghouse hereby approved without the

written approval of the local planning authority and if any additional windows are subsequently approved they shall only be glazed or re-glazed in accordance with such approved details and any opening part of any window shall be at least 1.7m above the floor of any room in which the window is installed. **REASON:** To ensure the amenities of adjoining properties are not detrimentally affected through overlooking or loss of privacy in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011.

- 9 The development shall not be occupied unless and until the car parking and bin storage areas indicated on the approved drawings have been provided (including the surfacing of the access in a bound material) and thereafter those areas shall be 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 visual amenity in accordance with Policies DP1, DP2 & DP8 of the Warwick District Local Plan 1996-2011.
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Planning Committee: 03 March 2015

Item Number: 13

Application No: W 14 / 1569

Town/Parish Council: Barford
Case Officer: Liam D'Onofrio
01926 456527 liam.donofrio@warwickdc.gov.uk

Registration Date: 08/01/15
Expiry Date: 05/03/15

Mallards Reach, Barford Road, Barford, Warwick, CV35 8BZ
Erection of 1no. dwelling and elevational alterations to existing house FOR Ms Samrai

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

RECOMMENDATION

Planning Committee are recommended to GRANT planning permission.

DETAILS OF THE DEVELOPMENT

Planning permission is sought for the erection of a new five bedroom dwellinghouse, which will have an L-shape configuration measuring 19.2 metres long by 24 metres deep. The dwelling will be two-storey and will have an eaves height of 4.5 metres and a ridge height of 9.5 metres, combined with lower 1.5 storey and single storey elements. The garden of the existing property 'Mallards Reach' will be sub-divided into two and alterations are proposed to the existing property including the removal of a bay window and dormer to the side elevation, with replacement obscure glazing and the removal of a chimney to the front elevation, replacing it with a new window. These alterations aim to protect amenity and facilitate space for the new dwellinghouse. A separate vehicular access is proposed to Barford Hill with off-street parking for several vehicles.

The application is accompanied by a Flood Risk Assessment, Energy Statement, Ecological Appraisal, Planning and Heritage Statement and Tree Report.

The Design and Access Statement states that the layout of the site has been carefully designed in accordance with the distance separation guidance and 45-degree rules published by WDC and the new building does not overlook or have an overbearing impact upon the surrounding properties. The stepped roof-lines follow natural ground levels and create an interesting roofscape. The inclusion of gables and dormer windows reciprocate the adjacent property.

THE SITE AND ITS LOCATION

The application site relates to 'Mallards Reach' a large dwellinghouse set within large grounds. The property is on the end of a run of development characterised by several large detached properties set within large grounds on the northwest side of the highway. The rear gardens of six properties located on Ryland Road back onto the southwest boundary of the site, formed by a line of mature trees. These garden boundaries also form the village envelope edge, which the application site sits outside but adjacent to. The River Avon is located to the northwest, however the existing dwellinghouse sits on higher ground outside of the flood plane within Flood Zone 1. Tree Preservation Orders protect mature trees to the property's Barford Road frontage and southwest boundary. The site is within open countryside and the Barford Conservation Area.

PLANNING HISTORY

Various; the most recent/relevant: W/07/1786 - Replacement dwelling and double garage: Granted 10/01/08 (not implemented)

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H0 - Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE6 - Archaeology (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

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

SUMMARY OF REPRESENTATIONS

Barford, Sherbourne & Wasperton Joint Parish Council: No objection although the JPC has marked concerns about the retention of trees (there are 26 trees on the site enjoying the protection of TPOs but in the past this had not prevented the felling of a mature, healthy tree thus protected), and about the safety of adding another access to a dwelling along that stretch of main road.

Community Protection: No objection

WCC Highways: No objection

WCC Ecology: Comments to be updated at Committee.

WCC Rural Development Officer: Support. The effect on landscape character is minimal, but entrance drive details should be agreed to ensure the scale and materials maintain the existing character of the road scape. The development abuts the village edge and does not propose new development in open countryside, the sub-divided plots will still be 0.5Ha each, which may still be regarded as large properties in their own grounds. The property is not overlooked by a Public Right of Way.

Environment Agency: No objection. Although part of the site is shown to lie within our indicative flood zones, the proposed development is located outside the

floodplain and a significant distance from the river therefore we consider this proposal to be of low risk.

Public Response:

One neutral comment stating no objection, subject to tree protection/highway precautions. Note that site is outside village envelope.

One response regarding covenants, not material to the consideration of this application.

Seven objections raising the following concerns:

- Policy RAP1 is most relevant.
- The site is outside the village envelope where new market housing is unacceptable.
- Site is within the Barford Conservation Area, WDC advice notes the maintenance of these single dwellings is paramount to the character of this part of the CA.
- Mature Blue Cedar tree previously removed to make way for the proposed development.
- No requirement for additional large houses in Barford.
- Dwelling does not reinforce/harmonise with streetscene or respect surrounding buildings in terms of scale and height.
- Dwelling will be squeezed in, halving the plot.
- Overlooking/loss of privacy/ obscure glazing should be fitted to the SW elevation facing Ryland Road.
- Existing property has had to be modified.
- There are 26 TPOs on the site, the tree report notes that a small group of trees and an individual tree will be affected.
- Road safety concerns.

ASSESSMENT

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

- The Principle of the Development;
- Design and impact on the character and appearance of the area;
- The impact on the living conditions of nearby dwellings;
- Highway safety;
- Drainage and flood risk;
- Renewable energy;
- Landscaping/ ecological impact;
- Health and wellbeing.

The Principle of the Development

The site is within the rural area where Local Plan Policy RAP1 applies, which only permits new residential development on previously developed land, within limited growth villages, including Barford, to meet specific local need. However, the

National Planning Policy Framework (NPPF) 2012 states (para.49) that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites against their housing requirement. In terms of the most recent evidence of housing need, the Council cannot demonstrate a five year supply. Accordingly, only limited weight can be afforded to Policy RAP1, and in these circumstances the NPPF requires applications to be considered in the context of the presumption in favour of sustainable development. The site is located in a sustainable location, adjoining the village envelope and the new dwellinghouse is therefore considered to be acceptable in principle, complying with this aspect of the NPPF.

There are, however, non-housing supply saved policies in the Local Plan, DP1 and DAP8, which can be afforded greater weight than Policy RAP1. The NPPF paragraph 53 also states that local planning authorities should resist inappropriate development within residential gardens. These matters are considered in greater detail below.

Design and impact on the character and appearance of the area

The proposed dwellinghouse will sit within the existing pattern of development fronting the highway. The garage element will be set forward of the existing property Mallards Reach by some 7.5 metres, however, at its closest point the new dwellinghouse will still be set back a generous 22 metres from the highway behind mature landscaping and will appear unobtrusive within the streetscene. It is noted that the new property will still sit further back from the highway than the adjoining property No.18 Ryland Road.

The run of detached properties fronting Barford Hill, North East of Ryland Road, all have similar plot widths, however there is otherwise no particular uniformity or rhythm to the development with a mix of house types set at different distances to the highway. It is noted that these dwellings occupy the former Barford Hill House and grounds, which was demolished and split into the several large plots that exist today. The Barford Conservation Area document notes that the maintenance of these as single dwellinghouses is paramount to the character of this part of the conservation area and that further infill should be strictly limited.

In this instance the sub-division of Mallards Reach will still retain two generous plots of some 0.5 hectares, each a significant highway frontage of 35 metres for the retained property and 25 metres for the proposed property. The gap of 4.5 metres between the existing and proposed dwellings is ample (similar to the gaps between properties on Ryland Road), albeit significantly less than the large open spaces between existing houses within this run. Nevertheless this property forms an end to this run of development and adjoins the still very spacious, but higher density Ryland Road. Given the level of screening to the frontages, which will be maintained, (the new access being located between existing mature trees), there is not considered to be any significant impact upon the visual amenity of the streetscene or the character and setting of the conservation area.

The proposed dwelling house is considered to provide a sympathetic design solution, which is characterised by steep gables, forming inter-connecting elements at various heights, which appropriately break up the form and mass of the building. Chimneys will flank each end wall, which are considered to be desirable architectural features. Materials can be conditioned to ensure appropriate colours that will assimilate into the landscape.

The Tree Report notes that in total a combination of one individual tree and one small group of trees are to be removed through the development process, which are C category specimens. The additional planned landscaping and tree planting for the site will mitigate for this loss of trees to ensure enhancement and continuity of tree cover. In order to ensure damage does not occur to the retained boundary trees a 'no-dig' three-dimensional system will be installed for the final access driveway from the highway. This is due to the incursions into the root protection areas (RPAs) of the trees of less than 20%. The final specification for this will be prepared as part of a detail arboricultural method statement which can be secured by condition. The overall future growth, shading and apprehension from the trees on the site has been considered as well as the impact of the trees on the open space to avoid future conflicts.

The development is not therefore considered to create a contrived or inappropriate development and will preserve the setting of the conservation area in accordance with NPPF paragraph 53 and Local Plan Policies DP1 'Layout and Design' and DAP8 'Protection of Conservation Areas'.

The impact on the living conditions of nearby dwellings

There will not be any significant impact upon the amenities of the occupiers of Mallards Reach, which will be physically altered to remove habitable side-facing windows, as necessary, to better accommodate the proposed dwellinghouse. The sub-division retains ample amenity space for the occupiers of both the existing and proposed dwellinghouses.

Overlooking concerns raised by adjoining neighbours on Ryland Road are noted, however, the proposed dwelling's gable end in the South West elevation closest to these neighbouring properties (which has no first floor windows) will be set 28 metres away, greatly exceeding the 12 metres specified in the Council's SPD. First floor windows facing the South West boundary will be 30 metres away from properties on Ryland Road, greatly exceeding the 20 metre window-to-window separation distance within the Council's SPG. There are also mature trees located to this boundary, which will break up the form of the dwelling. The scheme is not therefore considered to result in any significant loss of light, outlook, privacy or general amenity to the occupiers of surrounding dwellings.

Highway Safety

The Highway Authority initially objected to the scheme as the necessary visibility splays were not achieved from the proposed access. A slight relocation of the

access has allowed this visibility splay to be met and the Highway Authority have raised no objection to the amended plan, subject to conditions to ensure visibility splays are maintained and the new access is surfaced in a bound material. In terms of parking the site provides ample spaces, with room to turn and exit in a forward gear.

Drainage and Flood Risk

Community Protection note that the site lies within Flood Zone 1 and as safe dry access is achievable no objection is raised. It is noted that any additional surface water run off from new development will increase flow into the River Avon and the scheme should include sustainable urban drainage, water butts, permeable hardstanding etc. to ensure surface water run off is not increased. This can be controlled by condition.

Renewable Energy

The Energy Statement identifies the most appropriate renewable technology systems for the property to be solar photovoltaics and an air source heat pump to meet the Council's requirement of meeting 10% of the predicted energy requirements for the dwelling to be produced from renewable energy resources. This scheme (including noise attenuation for the heat pump) can be successfully controlled through condition.

Ecological/landscape Impact

The Ecology comments will be reported to members at Committee.

Health and Wellbeing

N/A

SUMMARY/CONCLUSION

In the opinion of the Local Planning Authority, the development is acceptable in principle and provides an appropriate design solution in terms of scale, height, form and massing and does not adversely affect the setting of the conservation area, the amenity of nearby residents or highway safety. The proposal is therefore considered to comply with the policies listed.

CONDITIONS

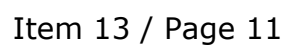
- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and

approved drawing(s) 0502-A; SK01 C; 0303; 0500A; 0501-B and specification contained therein, submitted on 27/10/14. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

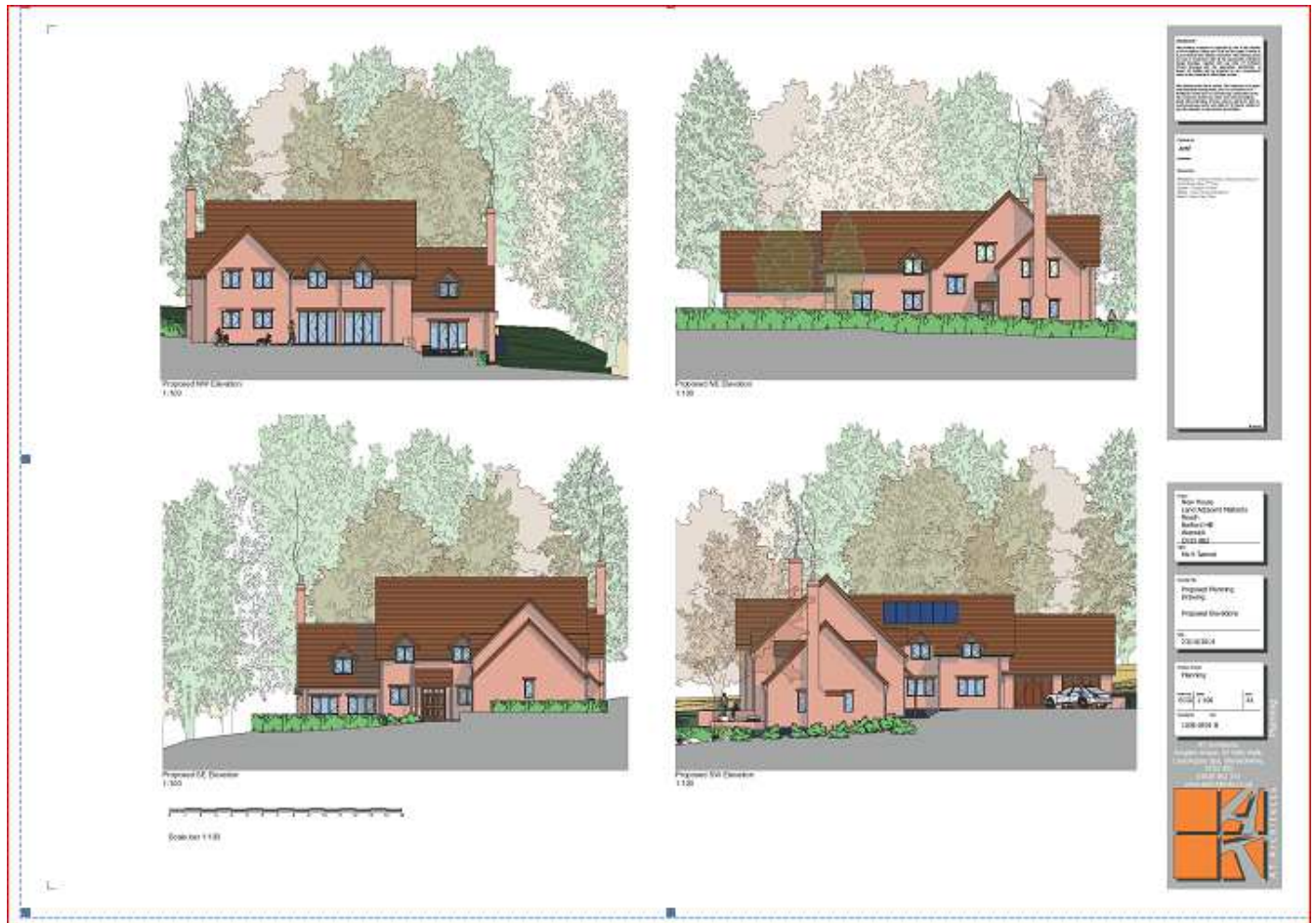
- 3 The development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO² emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.
- 4 The development shall be carried out only in full accordance with sample details of the facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.
- 5 No part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the Local Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837:2012, Trees in Relation to design, demolition and construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place without the prior consent in writing of the Local Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **REASON:** In order to protect and preserve existing trees and mature landscaping within the site which are of amenity value in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.

- 6 The development shall not be occupied until visibility splays have been provided to the vehicular access to the site passing through the limits of the site fronting the public highway with an 'x' distance of 2.4 metres and 'y' distances of 43 metres to the right and 120 metres to the left to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway. The access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a bound material for a distance of 7.5 metres as measured from the near edge of the public highway carriageway and measures not less than 3 metres wide. **REASON:** To ensure that a satisfactory access is provided in the interests of the free flow of traffic and highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011.
- 7 If an air source heat pump is chosen as the method to comply with the requirement for renewable energy, noise arising from the air source heat pump(s) permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **REASON:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.
- 8 The development hereby permitted shall only be undertaken in strict accordance with drainage details, incorporating a Sustainable Drainage System (SUDS) and responding to the hydrological conditions (soil permeability, watercourses etc) within the application site, including a long term management and maintenance plan, which have been submitted to and approved in writing by the local planning authority. The approved systems shall thereafter be retained and shall be managed and maintained in strict accordance with the approved details unless alternative drainage methods have been approved in writing by the local planning authority. **REASON:** To ensure that a satisfactory means of drainage is provided such as to minimise flooding and which Promotes and maintains the good stewardship of the natural and built environment in accordance with Policies DP11 & DP3 of the Warwick District Local Plan 1996-2011.
- 9 The development shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and

available for such use at all times. **REASON:** To ensure that a satisfactory provision of off-street car parking and turning facilities are maintained at all times in the interests of the free flow of traffic and highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011.







DM Appeals Update Report (July 2014 – present)

- **Total decisions : 28**
- **Total appeals dismissed: 14**
- **Total appeals allowed: 14**

Case Ref	Address	Proposal	Decision Level	Officer's Recommendation	Appeal Decision	Comments / Learning Points
W/14/0018	The Maples, Church Lane, Lapworth	Single storey rear extension	Del	Refuse	Dismissed 21/7	The Inspector agreed that the proposed extension taken together with previous extensions would be disproportionate and harmful to openness and was therefore inappropriate development in the Green Belt.
W/13/1776 & 1777/LB	5 Clarendon Square, Leamington	Single storey rear extension (amendment to approved scheme)	PC	Grant	Allowed 17/12	The Inspector considered that as the property was tall and within a terrace, the additional height of the extension did not make it unduly dominant or disproportionate. Plastic downpipes were considered harmful but metal ones could be secured by condition. The string course was considered crude and simple but a more suitable treatment could be secured by condition.

Agenda Item 14

W/13/1756	Newlands House, Stoney Lane, Shrewley	Construction of wall, piers and timber gates	Del	Refuse	Dismissed 12/11	<p>s.336a of the TCPA 1990 defines the term 'building' as any structure or erection. The Inspector considered that this includes walls and gates. The NPPF states that the erection of new buildings in the Green Belt is inappropriate by definition and the appeal was dismissed for this reason alone. As it was possible to see over the walls and gates to the countryside beyond and that views were afforded into the site through the gates, he considered that they did not harm the openness of the Green Belt.</p>
W/14/0038	1 Angless Way, Kenilworth	2 storey side and rear and single storey rear extension	Del	Refuse	Dismissed 27/6	<p>The Inspector considered that non compliance with the Distance Separation SPG was acceptable as the neighbouring property was on higher ground. While the proposal would be clearly visible, it would not be overbearing. Given the narrowness of the side extension the Inspector considered that a requirement to set it down and back in accordance with the Residential Design Guide was not necessary. The Inspector agreed that the truncated first floor element was unusual and would appear disjointed he did not consider it wasn't sufficient to dismiss the appeal on.</p>

Agenda Item 14

W/14/0724	28 Fennyland Lane, Kenilworth	Rear balcony	Del	Refuse	Allowed 10/2	<p>The Inspector noted that there were existing oblique views from first and second floor windows of the dwelling into the adjacent garden and gardens beyond and were no more than might reasonably be expected from upper windows into gardens of closely positioned dwellings within a residential area. The Inspector considered that with the side and front balustrades in place and fitted with obscured glass, the ability to see into nearby gardens from the proposed balcony would not be dissimilar to that from existing windows.</p>
W/14/1120	The Glade, Three Ways, Firs Lane, Haseley	1 and half storey side and rear extension	Del	Refuse	Dismissed 11/11	<p>The appellant challenged the more prescriptive approach of Policy RAP2. However, the Inspector considered that it was not unusual for local policies to elaborate and clarify the more generalised approach of the NPPF.</p> <p>The Inspector noted that planning permission had recently been granted at the site for a large extension. While no greater in footprint, he considered the appeal proposal would have a noticeably greater mass because the proposal sought to change the roof from a hip to a gable in order to accommodate an additional en-suite within the roof space. The Inspector considered it would result in a much bulkier addition which would not respond well to the modest scale and proportions of the original dwelling. He sympathised with the appellants needs for additional space to accommodate the family's growing needs, he recognised that this is a pressure faced by many families and therefore only attached limited weight to this consideration. The appeal was dismissed on the basis that the extension was a disproportionate addition harmful to openness.</p>

Agenda Item 14

W/14/1262	10 Wheathill Close, Leamington	Single storey front, 2 storey side and rear and single storey rear extension	PC	Grant	Allowed 4/2	<p>The Inspector considered that, while large, the proposal would retain the existing shape of the house and that sufficient space would remain to the front and rear of the house for it to remain spaciouly set within its plot. As the roofs were set down the extension would appear subservient and as it would not project forward beyond no.4 it would not be unduly prominent in the streetscene. While the proposal would result in some overshadowing of nos. 8 and 12 at the start and end of the day, the extent and duration of the overshadowing would be insufficient to have an adverse affect on living conditions.</p>
W/14/1276	Wooton Grange Farm, Hill Wooton Rd, Hill Wooton	Detached 3 bay garage with loft room	Del	Refuse	Dismissed 5/2	<p>The erection of a new building is inappropriate development in the Green Belt. Limited weight is attached to the potential for permitted development rights within Class E (outbuildings) to be exercised.</p>

Agenda Item 14

W/13/1595	1 Morrell St, Leamington	Demolition of showroom/ offices and erection of HMO	Del	Refuse	Allowed 23/9	<p>The Inspector considered the absence of a plan and calculations meant that the figures provided by the Council for the percentage of HMOs in the area could only be treated as estimates. In the absence of crime statistics for the area and no objections from the police or Environmental Health the Inspector considered the proposed use would not harm residential amenity.</p> <p>The Inspector considered that the Council had failed to substantiate its reason for refusal through provision of full and evidence to support its case and costs were awarded to the appellant.</p>
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Agenda Item 14

W/13/1787	12 Augusta Place, Leamington	Minor material amendment to raise side extension roof (eaves and ridge), increase depth of side and rear extension and omit vertical glazing bars in sash windows, brick work external finish to rear, and front facing French doors to match adjacent building.	PC	Grant	Allowed 7/8	The Inspector considered the extension was a subordinate additional to the building which would sit comfortably in the streetscene and would not harm the character and appearance of the conservation area.
W/14/0126	Land at High Chimneys Farm, Old Warwick Rd, Rowington	Appeal against timing specified in Ecology condition	Del		Allowed 10/2	The Inspector concluded that the requirement to submit an Ecological Management Plan within 4 months of the grant of planning permission was unreasonable in the absence of any convincing evidence to indicate why. The requirement also failed to allow for the additional time required for the LPA to determine the submission. The condition therefore failed the tests set out in the NPPG. A condition cannot be imposed in order to remedy a pre-existing problem or issue not created by the proposed development. Costs were awarded against the Council for unreasonable behaviour.

Agenda Item 14

W/14/0128	Oakley Wood Farmhouse, Banbury Rd, Bishops Tachbrook	Detached garage	Del	Refuse	Allowed 10/2	<p>Policy RAP2 can only be applied to the assessment of extensions in open countryside and not free standing buildings. However, the NPPFA requires that the intrinsic character and beauty of the countryside should be recognised. The Inspector did not consider that increasing the size of the proposed garage would harm the character and appearance of the surrounding countryside as it would be set against and largely subsumed with the profile of the larger farmhouse. The extant permission for a smaller building was given significant weight by the Inspector.</p>
W/14/0350	Hillford House, Barford Rd, Barford	Erection of a dwelling and garage	Del	Refuse	Dismissed 6/10	<p>The Inspector considered that the proposal would be located some considerable distance away from any other dwellings and this together with the unlit and unpaved nature of the road meant it would be an isolated dwelling in the countryside contrary to the NPPF.</p>

Agenda Item 14

W/14/0366	4 Upper Grove St, Leamington	Conversion & change of use of building into 2 x 4 bed HMOs	Del	Refuse	Allowed 20/1	The Inspector considered that there was sufficient capacity for on street parking and the proposal would not result in harm to highway safety or residential amenity.
W/14/0533	16 Arlington Ave, Leamington	Erection of 6 flats after demolition of dwelling and garage	PC	Grant	Allowed 30/9	The Inspector considered that the proposal would sit comfortably in its context and given the composition of its constituent elements and varying roof heights it would not be excessive in size and would not harm the character and appearance of the Conservation Area or living conditions of neighbouring properties.

Agenda Item 14

W/14/0567	11 Hawkesworth Drive, Kenilworth	Conversion of garage and ground floor to create a separate flat	Del	Refuse	Allowed 17/12	<p>Whilst having sympathy with the local residents and noting the evidence submitted over existing parking taking place on the footpath, from his site visit, the Inspector concluded that although the street is fairly narrow, pavement parking is not necessary. Inconsiderate parking causing an obstruction to pedestrians could be dealt with under separate legislation.</p> <p>The Inspector considered the on site</p>
W/14/0589	75 Radford Rd, Leamington	Additional 2 bedrooms to existing 8 bed HMO plus lightwell and access to Radford Road	PC	Grant	Dismissed 30/12	<p>The outlook from the proposed bedrooms would be into lightwells. Notwithstanding that these met the Council's Private Sector Housing guidelines on underground room in relation light, the Inspector considered that the outlook would be very constrained and oppressive. Planning's assessment of living conditions is therefore not bound by compliance with Private Sector Housing guidelines. .</p>

Agenda Item 14

W/14/0627	Land adj The Rising, Old Warwick Rd, Rowington	Erection of detached dwelling and garage	Del	Refuse	Dismissed 31/12	<p>Limited infilling is not inappropriate development in the Green Belt. This particular Inspector took the view that the NPPF does not specify that the village has to be identified in a Local Plan for this exception to apply. However, he did not consider that the Council had behaved unreasonably by taking this view given the interpretation is not a clear cut matter and in the light of a lack of clear government guidance.</p> <p>The Inspector considered the character of the vicinity was one of substantial gaps between blocks of large properties set in large, well spaced plots. This dispersed pattern of development results in an open, spacious character. The infilling of this substantial gap between properties would compromise the established open pattern of development which would set an undesirable precedent if approved. Applications for outline planning permission must also indicate the area or areas where access points to the development will be situated, even if access has been reserved.</p>
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Agenda Item 14

W/14/0712	13 Smith St, Warwick	Change of use from 2 shops to 1 shop and 1 apartment to rear	Del	Refuse	Dismissed 13/10	<p>The site was within the designated primary retail frontage. Retail floorspace would be almost halved and confined to the front of the building. The Inspector considered that this would be wholly inconsistent with Policy TCP2 and the contribution which the premises can make to the commercial offer and attractiveness of the town centre would be reduced. The Inspector stated that he had no reason to believe that an alternative retail operator or someone able to use the appeal premises for another town centre use could not be found if the premises were marketed appropriately.</p>
W/14/0834	481 Tachbrook Road, Leamington	Erection of single storey dwelling	Del	Refuse	Allowed 17/12	<p>The Inspector considered that the bungalow would be set spaciouly within the plot and would complement the infill bungalow to the north of the site granted in 2009 and would therefore not be out of keeping with the pattern of development in the area. While in private views of the site from the surrounding houses and their gardens the loss of open garden would be apparent, the single storey height of the bungalow and its low pitched roof together with gaps between it and the boundaries would mean it would not be prominent.</p> <p>The Inspector did considered that the proposed parking area would be harmful to the living conditions of the occupiers of the neighbouring property but felt that it could be relocated to a more acceptable position and that this could be secured by condition.</p> <p>The Inspector felt the proposal would make a contribution, albeit small, the Council's housing supply.</p>

Agenda Item 14

W/14/0848	1 Charlotte St, Leamington	Change of use to 7 bed HMO and 2 apartments	Del	Refuse	Allowed 14/11	<p>The previous appeal was dismissed on the basis that the proposal would be detrimental to highway safety because of the conflicting manoeuvres that would occur around the entrance to the site. This proposal differed in that it provided on-site parking for the 2 existing flats only. The Highway Authority raised objection to the proposal on grounds that the proposal would be detrimental to highway safety because of the narrow width of the access way serving the site which would result in conflicting vehicle movements within and adjacent to the highway. It would also lead to an increased demand for on-street parking along Charlotte Street, resulting in increased conflicts between vehicles within the highway.</p> <p>However, the Inspector considered that the reduced number of vehicle movements associated with the rear use of the car parking area compared to the previous appeal would not present an unacceptable risk to highway safety or to the safety of pedestrians. The Inspector did not consider that the potential for an additional 4 vehicles to be parked on the street would have a detrimental effect on highway safety.</p> <p>A costs claim was made against the Council on the basis that it did not substantiate its case at appeal. However, the Inspector considered that the submission of the officer's report was sufficient and the claim was dismissed.</p>
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Agenda Item 14

W/14/0899	6 Hitchman Rd, Leamington	Change of use from dwelling to HMO	Del	Refuse	Dismissed 31/12	<p>The Inspector felt he had no reason to doubt the reasons behind the Council's Article 4 Direction and interim HMO policy, including noise, litter, parking problems and a lack of community cohesion resulting from a transient population and considered it to be a reasonable, well informed and up-to-date response to a specific and undisputed problem in the town. On this basis, he gave felt the interim HMO policy should be given moderate weight as an important material consideration.</p> <p>Observations on his site visit included a proliferation of HMOs evident from numerous estate agents boards, cars parked on pavements, overflowing dustbins and front yards full of rubbish, which he felt confirmed some of the concerns raised by the Council and local residents. Although the street itself had a relatively low concentration of HMOs compared to surrounding streets, the Inspector considered that waiting for a street to exhibit signs of an over-concentration of HMOs before refusing to permit others, would undermine the purposes of the Direction.</p>
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Agenda Item 14

W/14/0907	Land south of Fieldgate Lane, Whitnash	Variation of renewables condition to allow a fabric first approach	PC	Grant	Allowed 21/1	<p>The Inspector considered that Policy DP13 and the associated SPD were broadly consistent with the NPPF. However, seeking to achieve the aim of addressing the causes of climate change by specifying a target for energy generation from on-site renewable sources does not accord with the NPPF. As such only limited weight should be given to these. Emerging Policy CC3 was considered to be more consistent with the NPPF and this was therefore given limited weight even though the emerging plan has not been submitted for examination.</p> <p>The analysis for the fabric first proposal put forward indicated that it would achieve a 13.7% reduction in the development's energy requirement and an emission rate 12.36% lower than that currently required by the Building Regulations achieved by measures which would not subsequently require monitoring, maintenance or replacement. The Inspector therefore concluded that the fabric first approach would provide better results in terms of energy efficiency, resilience and reducing CO2 emissions than renewables.</p> <p>Costs were awarded against the Council for unreasonable behaviour on the basis of Members choosing not to accept officer's recommendation of approval and also on the basis of failing to determine similar cases in a consistent manner.</p>
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Agenda Item 14

W/13/0833	Homebase LTD, Myton Rd, Leamington	Erection of side and front extensions; subdivision of building into two separate units; alterations to car park and service yard; and variation of condition to allow unrestricted Class A1 retail use	Del	Refuse	Dismissed 16/2	<p>The 2014 update to the Warwick District Council: Retail and Lesiure Study highlights the priority for new retail floorspace to be focused in the town centre first in order to counter the increased competition from out-of-town centres and shopping facilities. The Inspector found that Leamington Spa is not attracting many new multiples and there is a danger of existing ones leaving such that it is in a fragile position so that even a small trade diversion could make the difference between the town holding its own, and attracting additional investment to new or existing shops, or sliding into a steady decline which could affect vacancy levels and have an impact on the overall vitality and viability of the town centre.</p> <p>Policy UAP3 was found to be consistent with the NPPF and afforded great weight.</p> <p>Limited weight was given to the likelihood that the Clarendon Arcade development would proceed sufficiently soon to be a realistic alternative for additional retail space.</p>
W/13/1465	Land East of Wellesbourne Rd and North of Wasperton Lane, Barford	Erection of 50 dwellings, provision of open space and associated infrastructure	Del	Refuse	Dismissed 27/11	<p>The Inspector considered that the surrounding estate lands provide a designed secluded setting for the listed house and that the particular character of the setting contributes strongly to the special interest and significant of Barford House. The proposal would result in the loss of the clear historic relationship between the house and grounds as a designed entity. The Inspector also considered that the proposal would exacerbate the preponderance of larger homes in the village and would not adequately meet the local need for smaller dwellings.</p>

Agenda Item 14

W/13/1688	Land South of Mallory Rd, Bishops Tachbrook	Residential development (Use Class C3) for up to 125 dwellings with construction of access from Mallory road, areas of public open space, landscaping and associated works	Del	Refuse	Dismissed 4/11	<p>Given the extent of public engagement in the Neighbourhood Plan process the Inspector disagreed with the appellant that no weight should be given to the Draft NP and that at this stage it should be given some, albeit very limited weight.</p> <p>In assessing the benefits of the scheme, the Inspector considered that contributions towards healthcare, education and libraries were sought to avoid incoming residents placing undue strain on existing infrastructure and therefore there would be no meaningful benefits to the wider local community.</p> <p>The Inspector considered that the appeal site formed part of the attractive countryside that surrounds the village and makes a positive contribution to its rural setting forming part of a valued landscape. The development would introduce a large new expanse of built development which would intrude into the countryside and significantly erode the rural setting of the village.</p> <p>The Inspector felt that local support for housing on neighbouring land could not be ignored. He also felt that the proposal taken together with the approved allocated site could erode the identity of Bishops Tachbrook as a compact rural settlement.</p> <p>The appeal site forms part of the surrounds of a Grade II Listed converted barn near Hill Farm. He felt that the unspoilt open qualities of the site allowed for a contextual appreciation of the listed building and views of some of the special architectural qualities of this heritage asset which would result in harm to the significance of the asset.</p>
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Agenda Item 14

W/14/0361	Wellesbourne Rd, Barford	Partial demolition of approx 86m of wall circa 2m high to below line of damaged bricks and erection of safety hoarding together with necessary temp works plus storage of damaged bricks	Del	Refuse	Dismissed 27/11	<p>The Inspector considered that the boundary wall was a clear public demonstration of the location, enclosure and exclusive status of the house in its grounds and has high significance. He considered that timely repair over the past 38 years would have kept the wall in good condition and that it has been allowed to deteriorate which was evidence of deliberate neglect and therefore in accordance with the NPPF he took no account the deteriorated state of the wall in determining the appeal. Great weight was given to the conservation of the wall as an important heritage asset and he saw no clear and convincing justification for its demolition.</p>
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Agenda Item 15

List of Current Planning and Enforcement Appeals

3 March 2015

Public Inquiries

Reference	Address	Proposal	Officer	Key Deadlines	Date of Hearing/Inquiry	Current Position
W/14/0303	Land north of Southam Road, Radford Semele	Outline application for up to 130 dwellings	Liam D'Onofrio	Questionnaire: 9/10/14 Statement of Case: 6/11/14 Evidence: 18/12/14	22/1/14 (6 Days)	Awaiting decision
W/14/0433	Land at Spring Lane, Radford Semele	Outline application for up to 65 dwellings	Liam D'Onofrio	Questionnaire: 11/8/14 Statement of Case: 8/9/14 Evidence: 10/12/15	7/1/15 (3 Days)	Awaiting decision
W/14/0763	Severn Acre Close, Bishops Tachbrook	Outline application for up to 25 dwellings	Anne Denby	Questionnaire: 3/10/14 Statement of Case: 20/11/14 Evidence: 31/3/15	28/4/15 (4 Days)	Evidence in preparation
W/14/0300	Land at Asps Farm, Bishops Tachbrook	Outline application for up to 900 dwellings; primary school, local centre, etc	Emma Spandley/Gary Fisher	Questionnaire: 8/8/14 Statement of Case: 5/9/14 Evidence: 17/3/15	14/4/15 (8 Days)	Evidence in preparation

Agenda Item 15

W13/0833	Homebase, Myton Road, Leamington Spa	Extensions, subdivision into 2 units and removal of restrictions of goods condition	Rob Young	Questionnaire: 23/6/14 Statement of Case: 21/7/14 Evidence: 12/12/14	13/01/14 (4 days)	Decision issued: appeal dismissed.
W/14/0681	Land south of Gallows Hill/West of Europa Way, Warwick	Outline application for up to a maximum of 450 dwellings	Jo Hogarth	Questionnaire: 30/12/14 Statement of Case: 27/1/15 Evidence: 28/7/15	25/8/15 (5 days)	Evidence in preparation
ACT/166/1 3	Pheasant Lakes Organic Farm	Appeal against issue of an Enforcement Notice concerning the change of use of an outbuilding to a residential dwelling	Rajinder Lalli	Questionnaire: 3/11/14 Statement of Case: 1/12/14 Evidence: 4/5/15	02/06/15 (1 day)	Evidence in preparation
W/12/1143	Land adjacent to Coventry Airport, etc.	The Gateway proposal	Rob Young Tracy Darke			Decision issued: planning permission refused.
W/14/0618	Land north of Common Lane, Kenilworth	Outline application for up to 93 dwellings	Jo Hogarth	TBA		Awaiting clarification of appeal process.

Agenda Item 15Informal Hearings

Reference	Address	Proposal	Officer	Key Deadlines	Date of Hearing/Inquiry	Current Position
W/14/0937	The Small Holding, Red Lane, Kenilworth	Lawful Development Certificate: use of building as dwellinghouse	Liam D'Onofrio	Questionnaire: 7/10/14 Statement: 4/11/14	21/4/15	Statement submitted

Agenda Item 15Written Representations

Reference	Address	Proposal	Officer	Key Deadlines	Current Position
W/14/0128	Oakley Wood Farmhouse, Banbury Road, Bishops Tachbrook	Detached garage	Emma Spandley	Questionnaire: 20/6/14 Statement: 18/7/14	Decision issued: appeal allowed
W14/1145	18-22 Russell Street, Leamington Spa	Erection of a care home	Rob Young	Questionnaire: 14/11/14 Statement: 12/12/14	Statement submitted
W14/1146LB	18-22 Russell Street, Leamington Spa	Demolition of parts of listed building and other alterations	Rob Young	Questionnaire: 14/11/14 Statement: 12/12/14	Statement submitted
W/14/1262	10 Wheathill Close, Leamington Spa	Erection of a single storey front, two storey side/rear and single storey rear extension	Emma Spandley	Questionnaire: 31/12/14 Statement: 19/1/15	Decision issued: appeal allowed.
W/14/0465	88 Radford Road, Leamington Spa	Change of use to HIMO	Emma Spandley	Questionnaire: 11/8/14 Statement: 8/9/14	Awaiting decision
ACT/012/14	Bills Restaurant 140-142 Parade Leamington	Appeal against a Discontinuance Notice in respect of an illuminated sign	Rajinder Lalli	Statement: 19/11/14	Awaiting decision

Agenda Item 15

W/14/1276	Wootton Grange Farm	Erection of garage	Emma Spandley	Questionnaire: 19/12/14 Statement: 12/1/15	Decision issued: appeal dismissed.
W/14/0126	Land at High Chimneys Farm, Rowington	Change of use of farm buildings to 7 holiday lets	Sandip Sahota	Questionnaire: 26/5/14 Statement: 23/6/14	Decision issued: appeal allowed.
W/14/1277	68 Whitemoor Road, Kenilworth	Change of use to restaurant	Emma Spandley	Questionnaire: 26/1/15 Statement: 23/2/15	In preparation
W/14/0189	The Falcon Inn, Haseley	Retention of external canopy and enclosure	Robert Mason	Questionnaire: 12/11/14 Statement: 10/12/14	Statement submitted
W/14/0724	28 Fennyland Lane, Kenilworth	Proposed Balcony	Robert Mason	Questionnaire: 13/1/15 Statement: 4/2/15	Decision issued: appeal allowed.
NEW W/14/1570	28 Clarendon Street, Leamington Spa	Erection of first floor rear extension to existing HMO	Sally Panayi	Questionnaire: 18/02/15 Statement: 18/3/15	In preparation
NEW W/14/1547	14 Leam Street, Leamington Spa	Change of use to HMO	Emma Spandley	Questionnaire: 17/2/15 Statement: 17/3/15	In preparation
NEW W/14/1584	237 Brunswick Street, Leamington Spa	Erection of dwelling	Rob Young	Questionnaire: 20/2/15 Statement: 20/3/15	In preparation

Agenda Item 15

NEW W/14/1198	2 Gerard Street, Warwick	Erection of 2 dwellings	Emma Spandley	Questionnaire: 18/2/15 Statement: 18/3/ 15	In preparation
NEW W/14/0083	Glenthorne, Fiveways Road, Shrewley	Use of land as part of residential curtilage (Lawful Development Certificate appeal)	Liam D'Onofrio	Questionnaire: 11/2/15 Statement: 11/3/ 15	In preparation
NEW W/14/0728	Land to the side of 29 Leam Street and to the rear of 113 Radford Road (formerly the Red House), Leamington Spa	Conversion of annexe into a self contained residential unit and erection of two semi-detached dwellings	Rob Young	Questionnaire: 10/2/15 Statement: 10/3/15	In preparation