

Planning Committee

Tuesday 16 July 2024

A meeting of the above Committee will be held at Shire Hall, Market Place, Warwick on Tuesday 16 July 2024, at 6.00pm.

Councillor A Boad (Chairman)
Councillor J Falp (Vice Chairman)

Councillor L Cron
Councillor R Davidson
Councillor R Dickson
Councillor K Dray
Councillor B Gifford

Councillor J Kennedy
Councillor M Luckhurst
Councillor P Phillips
Councillor N Tangri
Councillor C Wightman

Emergency Procedure

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

Agenda

Part A – General

1. Apologies & Substitutes

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

2. Declarations of Interest

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

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

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

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

3. **Site Visits**

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

Part B – Planning Applications

To consider the following reports from the Head of Place, Arts and Economy:

4. **W/24/0367 - Land South of, Westwood Heath Road, Coventry (Pages 1 to 12)**
****MAJOR APPLICATION****
5. **W/22/1972 – Land at Marriott Hotel, Stratford Road, Warwick (Pages 1 to 21)**
6. **W/23/1750 – 83 Golf Lane, Whitnash, Royal Leamington Spa (Pages 1 to 4)**
7. **W/24/0326 – Clarendon, 39A Haddon Road, Lillington, Royal Leamington Spa**
(Pages 1 to 4)
8. **W/24/0346 - Proposed New Footbridge, Radford Road, Royal Leamington Spa**
(Pages 1 to 7)
9. **W/24/0412- 10-12, 14-28, 32-45 Martinique Square, Bowling Green Street,**
Warwick (Pages 1 to 6)
10. **W/24/0471 - Portland House, 20 Abbey End, Kenilworth (Pages 1 to 6)**

Part C – Other matters

11. **Appeals Report (To Follow)**

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Warwick District Council, Town Hall, Parade, Royal Leamington Spa, CV32 4AT or telephone 01926 456114.

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

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Planning Committee: 16 July 2024

Item Number: 4

Application No: [W 24 / 0367](#)

Town/Parish Council: Burton Green
Case Officer: Lucy Hammond

Registration Date: 15/03/24

Expiry Date: 14/06/24

01926 456534 lucy.hammond@warwickdc.gov.uk

Land South of, Westwood Heath Road, Coventry

Variation of condition 2 (landscaping details) of planning permission W/21/1280 (reserved matters for details of appearance, landscaping, layout and scale of 296 dwellings [phases 2-4 of the site], together with public open space, landscaping and associated works) to amend the wording in relation to the delivery of the allotments. FOR Crest Nicholson Midlands

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

RECOMMENDATION

That Planning Committee grant planning permission subject to the recommended conditions set out at the end of this report.

DETAILS OF THE DEVELOPMENT

This application proposes the variation of condition 2 (landscape details for the allotments) of planning permission W/21/1280 which gave reserved matters approval for 296 dwellings in the remaining phases 2 - 4 of the wider allocated site. This reserved matters approval also included public open space, landscaping and associated works.

Varying the condition would amend the timescale in which the hard and soft landscaping works for the allotments have to be carried out, from three months of first occupation to prior to any occupation of a specified phase (construction phase 5) thus seeking to align the timing and delivery with the construction phasing plan already approved by the Local Planning Authority through the requisite discharge of conditions process.

No other changes are proposed to any other conditions which would remain as per the most recent decision notice (W/21/1280) which sets out the condition requirements of the reserved matters planning permission.

THE SITE AND ITS LOCATION

The site is irregular in shape and comprises approximately 24 hectares of agricultural land. The site edged red which forms the subject of this application for the residential phases 2-4 comprises a little under 17 hectares and excludes the north east corner of the site on which the detailed phase 1 has already been approved. The whole site lies immediately south of Westwood Heath Road and is

bounded by Bockendon Road to the east. The rear gardens of properties in Cromwell Lane define the western edge of the site. The southern edge is defined by the edge of Black Waste Wood and the existing mature hedgerows. There is a change in levels across the site from east to west of some 30 metres, while the change in levels from north to south is less significant. An oil pipeline runs across the north east corner of the site which requires a 6m easement.

The site makes up site allocation H42 in the Warwick District Local Plan 2011-2029. Policy DS11 identifies this as one of the edge of Coventry allocations; anticipated for development of 425 dwellings including a health centre, community facilities and retail facilities (a convenience store of no more than 500 sq.m. gross floor space). The site was taken out of the Green Belt as part of the Local Plan allocation.

During the course of the original hybrid application, a site known as "the Moat", located some 50 metres south of the application site, was designated as a scheduled ancient monument. There are no other relevant designations.

The detailed phase 1 approved as part of the hybrid permission is substantially complete and is already occupied. Work on phases 2-4 as approved under the 2021 reserved matters approval has not yet begun.

PLANNING HISTORY

For the purposes of this S.73 application only one application is directly relevant and that is the reserved matters application for residential phases 2-4 (noted below):-

W/21/1280 - Reserved Matters application pursuant to condition 2 of planning permission W/17/2357 for details of appearance, landscaping, layout and scale of 296 dwellings for the remaining phases 2, 3 and 4 of the site, together with public open space, landscaping and associated works - Granted April 2023

While not directly relevant to this S.73 submission, the following are also relevant insofar as they relate to the Westwood Heath allocation:-

W/17/2357 - Hybrid planning application for the erection of up to 425 dwellings (detailed first phase of 129 dwellings with the remainder of the site being outline including details of access), convenience store of up to 400 sqm gross together with the erection of formal and informal open space including allotments, infrastructure provision and associated work together with means of access onto Westwood Heath Road and agricultural access onto Bockendon Lane – Granted

W/21/0427 - Variation of conditions 4 (approved plans) and 26 (approved plans in relation to highway works) of planning permission W/17/2357 (*Hybrid planning application for the erection of up to 425 dwellings [including detailed first phase of 129 dwellings with remainder of the site being outline including details of access], convenience store, open space, infrastructure provision and means of access onto Westwood Heath Road / agricultural access onto Bockendon Lane*) to allow changes to the house types and the layout of the secondary roads within the detailed phase (129 dwellings) of the site - Granted

W/22/0055 - Variation of condition 4 (approved plans) and 24 (approved Design Code) of planning permission W/21/0427 (*Variation of conditions 4 and 26 (approved plans) of original hybrid planning permission W/17/2357 to allow changes to the house types / layout of the secondary roads within the detailed phase of 129 dwellings*) to allow the substitution of some house types together with other minor design and layout alterations to the Phase 1 layout. An amendment to the Design Code is also sought to include a reference to a small number of 2.5 storey dwellings across the development - Granted

There have also been some non-material amendments approved for minor changes which are not summarised here.

RELEVANT POLICIES

- National Planning Policy Framework
- Burton Green Neighbourhood Development Plan 2019-2029
- BG2 - Trees and Hedges (NE)
- BG3 - Wildlife and Biodiversity (NE)
- BG4 - Public Rights of Way (NE)
- BG6 - Valued Vistas and Skylines (NE)
- BG7 - Responding to Local Character (BE)
- BG8 - Community Aspects of Design (BE)
- BG12 - Electric Charging Points (BE)
- BG13 - Parking Provision (BE)
- BG14 - Use of Renewable Energy (BE)
- BG15 - Flooding (BE)
- NZCSPD – Net Zero Carbon Supplementary Planning Document (SPD)
- Warwick District Local Plan 2011-2029
- DS5 - Presumption in Favour of Sustainable Development
- DS11 - Allocated Housing Sites
- DS15 - Comprehensive Development of Strategic Sites
- DS20 - Accommodating Housing Need Arising from Outside the District
- PC0 - Prosperous Communities
- H0 - Housing
- H1 - Directing New Housing
- H2 - Affordable Housing
- H4 - Securing a Mix of Housing
- SC0 - Sustainable Communities
- BE1 - Layout and Design
- BE2 - Developing Strategic Housing Sites
- BE3 - Amenity
- TR1 - Access and Choice
- TR2 - Traffic generation
- TR3 - Parking
- HS1 - Healthy, Safe and Inclusive Communities
- HS4 - Improvements to Open Space, Sport and Recreation Facilities
- HS6 - Creating Healthy Communities
- HS7 - Crime Prevention
- CC1 - Planning for Climate Change Adaptation
- FW1 - Development in Areas at Risk of Flooding
- FW2 - Sustainable Urban Drainage
- HE1 - Protection of Statutory Heritage Assets

- HE4 - Archaeology
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources
- DM1 - Infrastructure Contributions
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Open Space (Supplementary Planning Document - April 2019)
- Parking Standards (Supplementary Planning Document- June 2018)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)

SUMMARY OF REPRESENTATIONS

Burton Green Parish Council: Objection due to the fact that the wider development at Westwood Park is already in occupation and there is no sense to further delay providing the public amenity areas of the development. The condition should be either left as originally worded or, at the very least, a longstop date of end of 2025 should be included.

[Officer note - Following an exchange between the Parish Council and the case officer in which the primary purpose of this S73 application and what it seeks to do was clarified, the Parish Council confirmed their wish to maintain the original objection.]

WCC Landscape: No comments to make

WCC Ecology: No comments to make

ASSESSMENT

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

- The timescale and delivery of the hard and soft landscaping works and whether or not such works can be aligned with the details of the construction phasing plan (pursuant to the hybrid permission) already approved by the Local Planning Authority

Background and relevant context for the proposed change now being sought

By way of a background, the Reserved Matters application for the residential phases referred to as 2-4 sought approval for appearance, landscaping, layout and scale. Full details of all landscaping were provided as part of that application, covering all areas of public open space (POS), LEAPs, NEAPs, amenity areas, ecological and biodiversity offsetting areas and on-plot landscaping. The only detail missing from the application was the specific landscaping for the allotments which, at the time, was based on the unknown details of who may take the allotments forward with regard to their management. At the time the reserved matters application was determined, a condition was recommended that required

additional landscaping details, specifically in relation to the allotments, prior to the commencement of any development taking place on phases 2-4. Thereafter, standard condition wording required the landscaping to be carried out within three months of first occupation of the development.

Incidentally, details have since been submitted to discharge this condition and the application is currently pending, so has not yet been formally discharged.

Running alongside the above is a condition imposed on the hybrid permission, requiring a construction phasing plan to be submitted for written approval which indicates the proposed phasing of the outline part of the hybrid permission (i.e. phases 2-4). Details were submitted in pursuance of this condition and subsequently discharged in May 2024. The approved drawing illustrates the proposed phasing of the development site (excluding the part of the site approved in detail under the hybrid) which comprises construction phases 1 – 9 together with phasing of the internal road layout from the primary spine road through to residential streets, each of which are to be constructed prior to the occupation of stipulated construction phases.

While split between the two relevant component parts that make up the development site as a whole (the hybrid including phase 1 in detail and the remaining reserved matters approval for phases 2-4) all of the above information sets an important context as to what has now prompted the submission of a S.73 application to vary the condition on the reserved matters approval which relates to the landscaping for the allotments. This is considered in more detail below.

Principle of development

As set out earlier within this report, this is an application to vary a condition attached to the reserved matters approval for 296 dwellings including landscaping and open space. Condition 2, which requires details of landscaping specifically for the allotments and which also requires such approved landscaping works to be carried out within three months of first occupation is to be varied to bring the timing for the landscaping works to be carried out more in line with the already approved construction phasing plan pursuant to the hybrid permission, as summarised above.

In deciding such an application the Local Planning Authority must only consider the specific amendments being sought, i.e. the impact of the hard and soft landscaping works being completed in full at a later date than the original stipulation of three months following first occupation. The principle of development cannot be re-considered as this remains acceptable as per the original approved permission.

The previously approved permission is extant and since there is no requirement to re-assess the principle of development it is therefore intended to address the primary key issue as set out above as well as any other relevant matters in this report.

The original condition 2 as set out on reserved matters approval W/21/1280 stated:

Notwithstanding the landscaping details submitted, no part of the development hereby permitted shall commence unless and until further landscaping details (both hard and soft) for the allotments illustrated on Drg. No. 03 Rev.F and approved under this application 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 any proposed boundary walls, railings or gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation.

The suggested wording for the condition, as varied, is (key changes underlined):

Notwithstanding the landscaping details submitted, no part of the development hereby permitted shall commence unless and until further landscaping details (both hard and soft) for the allotments illustrated on Drg. No. 03 Rev.F and approved under this application 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 any proposed boundary walls, railings or gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard and soft landscaping works shall be completed in full accordance with the approved details prior to the first occupation of any dwelling within construction phase 5 as shown on drawing number 14514-CRN approved on 07 May 2024 in pursuance of condition 10 (construction phasing plan) of the hybrid permission (W/22/0055).

It is critical to note at this point that the purpose of the variation of condition is not to unnecessarily delay or abandon altogether the delivery of the allotments but rather to ensure that the requirement for completing all landscape works is achievable and realistic given the projected timescale to build out the whole site. Therefore, trying to align the timing stipulated in condition 2 of the reserved matters with the approved construction phasing plan under condition 10 of the hybrid seems, in Officers' opinion, a practical and realistic approach to ensure that the various landscape works across the site are carried out at the most appropriate time pursuant to each phase.

The impacts of landscaping works being delivered at a later date

The size of this site should be acknowledged; with permission in place for the construction of 425 dwellings together with a convenience store (which has yet to be approved in detail) the construction has to be phased. Phase 1 was approved in detail as part of the original hybrid permission and this included its own landscaping and SUDs. Work on this part of the site are substantially complete and the site is now occupied.

Pursuant to the remaining residential phases for which reserved matters approval was given in 2023 the approved construction phasing shows that construction will take place in a methodical fashion; beginning in the two outer corners of the site (north west and south east) and working clockwise around the spine road which creates a circular route through the development. This places the area in which the allotments are placed approximately mid-way through the construction phasing plan (being phase 5 of 9).

The allotments themselves sit on the far western edge of the development and make up one part of a much larger area of POS which also includes a MUGA and a NEAP. Given their proximity to the nearest houses which have yet to be built and also bearing in mind how they will be accessed by residents of the development, it is Officers' opinion that even if the allotments were capable of being delivered now they would not be accessible by anyone already living on site and the only means of access would be across a live construction site, thus posing serious safety concerns to all residents.

With the construction phasing in the approved order placing the allotments approximately halfway through the whole development it is also worth noting that the internal roads and residential streets are to be constructed in their entirety prior to the occupation of construction phase 4 meaning that all roads serving the development would be complete and in use before the area of POS including MUGA, NEAP and allotments are brought into use. By the time this next phase is delivered therefore, safe access both through and around the development would ensure that users of this western POS can safely access all amenities without risk to their well-being.

Officers therefore consider that the proposed variation to the condition as set out above is reasonable and proportionate in view of the proposed phasing of this whole site. Moreover, it is also worth reiterating that the intention of this application is not to cause unnecessary delay to any aspect of the POS but simply to ensure that each component can be delivered at an appropriate time whereupon it can be accessed and used safely.

Parish Council comments

Burton Green Parish Council initially raised objection to this application on the basis that since the wider development at Westwood Park was already in occupation it made no sense to further delay the public amenity areas of the development. They requested that the condition either be left as originally worded or that a longstop date of end of 2025 be included.

Having discussed the request for a longstop date with the developers it quickly became apparent that this would not be possible due to the fact that building in this area would not yet have started and if the allotments were to be completed, they would not be able to be opened to the public as they would be accessed through a construction site. It was however clarified by the developers that the other areas of open space would still be provided as the plots are developed, resulting in open spaces becoming available for public use as the development progresses.

Having clarified with the Parish Council that the variation to the condition would mean only the landscaping works associated with the allotments would need to be completed at a later date and consequently all other landscaping works and areas of public open space and amenities would continue to be delivered in line with the terms of the hybrid permission and the S.106 Agreement, the Parish Council have maintained their objection. Their reason for doing so is based on their concern about the likelihood of the allotments ever being created and furthermore, the possibility that Crest Nicholson could apply for another amendment in the future or even walk away from the site completely before phase 5 is completed which would leave either incomplete or no allotments.

Officers have considered the Parish Council's further comments but have reached the conclusion that there is no material reason to withhold approval of the proposed variation for the aforementioned reasons regarding the practicalities and moreover, safety of residents in light of the approved construction phasing plan.

In the interests of clarity, while the Parish Council's concerns are fully acknowledged, Officers are satisfied that there is no risk of the allotments not being delivered at the appropriate time simply because the S.106 obligations require them, along with all other areas of POS, to be delivered. To not do so would be in breach of the S.106 Agreement.

With regard to the possibility of either Crest Nicholson applying for further amendments in the future and/or walking away from the site, the same concern could be held for any development site. There is no way to guarantee a developer will not seek further amendments but that would be a separate matter, considered under its own application, and the possibility of future amendments cannot influence the assessment of the proposals before Members at this time. In the event Crest Nicholson were to walk away from the site then whichever future developer takes on the site with a view to completing the development will be bound by the same terms of the S.106 Agreement. Ultimately, while the Parish Council's concerns are understood, they cannot, in Officers' opinion, constitute a reason to recommend refusal of the proposed variation.

Outstanding discharge of conditions and condition wording (for clarification)

For the avoidance of doubt the details submitted to discharge condition 2 which are currently pending determination might (and indeed should) be determined before the determination of this application. In that event the new condition wording would be amended as follows:-

The development hereby permitted, specifically including the allotments illustrated on Drg. No. 03 Rev.F, shall be carried out strictly in accordance with the landscaping details (both hard and soft) approved by the Local Planning Authority on <insert date approved> in pursuance of condition 2 of W/21/1280 unless otherwise agreed in writing with the Local Planning Authority. The hard and soft landscaping works shall be completed in full accordance with the approved details prior to the first occupation of any dwelling within construction phase 5 as shown on drawing number 14514-CRN approved on 07 May 2024 in pursuance of condition 10 (construction phasing plan) of the hybrid permission (W/22/0055).

The above would reflect the fact that the landscaping details themselves have already been approved in writing by the Local Planning Authority as required by the condition thus negating the need for any further formal submission of details.

Other matters

Other planning matters such as impact on heritage assets, neighbouring amenity and highway safety have not been considered in this report because the proposed variation to the condition as set out would have no material impacts on these matters.

There are no other material changes in policy since the original decision that would lead Officers to reach a different conclusion on any of the key issues in the report attached to W/21/1280.

Regard has also been had to the Burton Green Neighbourhood Development Plan, however, given the specific nature of the proposed variation in this instance there are no policies within the NDP of direct and specific relevance to the proposal being considered.

Issuing any permission under Section 73 of the Act is tantamount to issuing a new permission for the entire development. As a consequence, any decision notice must replicate all previous conditions which are still relevant. There are no outstanding pre-commencement conditions still awaiting formal discharge (aside from the condition the subject of this application, the details for which have already been submitted but not yet approved) and it is appropriate to carry forward all other conditions from the previous decision where appropriate.

It is not considered there are any other new material considerations since the original permission which are relevant to this decision.

SUMMARY/CONCLUSION

The original planning permission was granted under a hybrid application reference W/17/2357 and subsequently varied under W/22/0055 and the reserved matters pursuant to that hybrid were subsequently approved under application reference W/21/1280. The policies and material considerations that are relevant to that reserved matters decision are set out in its associated officer report.

The variation of condition 2 to allow the landscaping works in association with the allotments to be carried out at a later date than within three months of first occupation, and instead prior to any occupation of construction phase 5 as approved on the construction phasing plan, would not result in any detriment to the wider development, nor would it prejudice or harmfully impact in any way the delivery of the other areas of public open space, including amenity land, play areas, MUGA and SUDs. Furthermore, there are no material changes in planning policy that would lead Officers to reach a different conclusion to that which was reached previously through the assessment and determination of the previous application. It is therefore considered that the development remains in accordance with the relevant provisions of the Development Plan and consequently this application is recommended for approval.

- 1 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and the following approved drawings:-

A934_13 and specification contained therein, submitted on 02 July 2021;

A934_12 Rev.A and specification contained therein, submitted on 25 July 2022;

A934_05 Rev.E; A934_06 Rev.E; A934_07 Rev.E; A934_08 Rev.E; A934_09 Rev.F and 'House Type Brochure' June 2021: Rev.F and specification contained therein, submitted on 11 October 2022;

DR-0501 S4-P5; DR-0502 S4-P5; DR-0503 S4-P5; DR-0504 S4-P5; DR-0505 S4-P5; A934_02 Rev.J (Sheets 1-3 of 3) and A934_61 Rev.C and specification contained therein, submitted on 25 January 2023;

A934_04 Rev.F and specification contained therein, submitted on 30 January 2023;

A934_71; A934_03 Rev.F and A934_11 Rev.F and specification contained therein, submitted on 06 March 2023; and

DR-0500 S4-P7; DR-0511 S4-P6; DR-0512 S4-P6; DR-0513 S4-P6; DR-0514 S4-P6; DR-0515 S4-P6; DR-0516 S4-P6; DR-0517 S4-P6; DR-0518 S4-P6; DR-0519 S4-P6; DR-0520 S4-P5; DR-0521 S4-P6; DR-0522 S4-P5; DR-0523 S4-P6; DR-0524 S4-P6; DR-0525 S4-P5; DR-0526 S4-P5; DR-0527 S4-P6; DR-0528 S4-P6; DR-0529 S4-P6; DR-0530 S4-P5; DR-0531 S4-P5; DR-0532 S4-P5; DR-0533 S4-P5; DR-0534 S4-P5; DR-0535 S4-P5; DR-0536 S4-P5; DR-0537 S4-P5; and specification contained therein, submitted on 10 March 2023.

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

- 2 Notwithstanding the landscaping details submitted, no part of the development hereby permitted shall commence unless and until further landscaping details (both hard and soft) for the allotments illustrated on Drg. No. 03 Rev.F and approved under this application 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 any proposed boundary walls, railings or gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard and soft landscaping works shall be completed in full accordance with the approved details prior to the first occupation of any dwelling within construction phase 5 as shown on drawing number

14514-CRN approved on 07 May 2024 in pursuance of condition 10 (construction phasing plan) of the hybrid permission (W/22/0055). **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029. *

3 The development hereby permitted shall be carried out strictly in accordance with the details of the external facing materials approved in writing by the Local Planning Authority on 28 June 2023 in pursuance of condition 3 of planning permission W/21/1280. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

4 The development hereby permitted shall be carried out strictly in accordance with the Energy & Sustainability Statement approved on 03 July 2024 in pursuance of condition 4 of planning permission W/21/1280 and no dwelling/building shall be first occupied until those works within the approved scheme have been completed in strict accordance with the approved details. Thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

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

5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no gate, fence, wall or other means of enclosure shall be erected on any land between the front or side elevation of any dwelling and any road or footpath. **Reason:** Due to the open plan layout of the proposed development it is considered important to ensure that control is maintained over boundary treatments fronting the public highway.

6 The garaging and car parking areas for Plots 133, 140, 164, 165, 194, 196, 199, 217, 220, 243, 245, 246, 273, 276, 289, 296, 303, 307, 308, 310, 317, 318, 319, 328, 322, 323, 329, 330, 331, 332, 347, 348, 362, 363, 394, 401, 409 and 425 shall be used for the parking of private vehicles for the benefit of the occupants of those dwellings to which they relate and shall be retained and kept available for such purposes in perpetuity. **Reason:** To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and residential amenity in accordance with Policies BE3 and TR3 of the Warwick District Local Plan 2011-2029.

7 The development must be laid out in accordance with the following approved drawing: A934 03 Rev.F 'Coloured Planning Layout' dated 02

March 2023. **Reason:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

- 8 No structure, tree or shrub shall be erected, planted, or retained within the visibility 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 TR1 of the Warwick District Local Plan 2011-2029.
- 9 Prior to first occupation, a plan will be required to be submitted detailing the provision and placement of 20mph and 30mph zone signs at the entrance into the 20mph and 30mph areas of the development for the approval of the Local Planning Authority in consultation with the Highway Authority. **Reason:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 10 * In the event that the details submitted to discharge condition 2 are formally approved prior to the issuing of the decision notice for this application, condition 2 above would be re-worded as follows to reflect those already approved details in accordance with which the development is expected to be carried out:

The development hereby permitted, specifically including the allotments illustrated on Drg. No. 03 Rev.F, shall be carried out strictly in accordance with the landscaping details (both hard and soft) approved by the Local Planning Authority on <insert date approved> in pursuance of condition 2 of W/21/1280. The hard and soft landscaping works shall be completed in full accordance with these approved details prior to the first occupation of any dwelling within construction phase 5 as shown on drawing number 14514-CRN approved on 07 May 2024 in pursuance of condition 10 (construction phasing plan) of the hybrid permission (W/22/0055).

Planning Committee: 16 July 2024

Item Number: 5

Application No: [W 22 / 1972](#)

Town/Parish Council: Warwick

Case Officer: Adam Walker

01926 456541 adam.walker@warwickdc.gov.uk

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Land at Marriott Hotel, Stratford Road, Longbridge, Warwick, CV34 6TW

Erection of a drive-thru coffee shop (Use Class E) with parking, electric vehicle charging hub and associated works FOR Dallas Holdings

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

RECOMMENDATION

Planning Committee is recommended to grant planning permission, subject to the delegation of authority to Officers to secure appropriate arrangements to deliver a no net loss of biodiversity and subject to the imposition of the conditions listed at the end of this report.

DETAILS OF THE DEVELOPMENT

The application seeks full planning permission for the erection of a drive thru coffee shop (Use Class E) with parking, electric vehicle recharging hub and associated works.

The proposal would use the existing point of access from Stratford Road that serves the hotel and The Peacocks. A new access road would be created within the hotel grounds to access the coffee shop and the scheme also includes new footpaths to link the development with the hotel and the adjacent public highway.

The coffee shop is broadly rectangular in shape with a rear compound to accommodate the refuse area. The building would provide a sales area, customer seating area and W.C., back of house area for the preparation of food and serving the drive-thru along with staff facilities. Outside the coffee shop is the drive-thru lane wrapping around the rear of the building plus parking for 12 vehicles (including two disabled bays), two motorcycle parking spaces, 8 electric vehicle (EV) charging bays and 2 waiting bays (associated with the drive thru). To support the EV charging, a substation and LV panel are proposed. A delivery bay is accommodated to the east of the drive-thru lane. Fixed picnic bench style seating is proposed to one side of the coffee shop and new landscaping is proposed around the building and drive thru lane.

It is proposed to face the building in a mixture of composite metal cladding and timber effect composite cladding, with full height aluminium glazed curtain walling.

The proposed operating hours are 0600 to 2300.

THE SITE AND ITS LOCATION

The application site forms part of the grounds of the Marriott Hotel on Stratford Road, Warwick.

The site is part of a landscaped area adjacent to a car park in front of the hotel. The site predominately comprises a lawned area containing a small number of trees. This area is formed into a low mound that rises up gently away from the car park and slopes down again towards the boundary with Stratford Road, where there is a line of trees and other vegetation.

The hotel site is located next to Junction 15 of the M40 and the Warwick Bypass. The hotel is accessed from Stratford Road and this access is shared with The Peacocks - a private cul-de-sac of around 20 houses that lies to the eastern side of the hotel. To the south, on the opposite side of Stratford Road, is a Holiday Inn Express, McDonald's and some office development.

RELEVANT PLANNING HISTORY

There is a relatively extensive planning history associated with the hotel, none of which is considered relevant to the assessment of this application. The following application relates to the hotel and is currently under consideration by Officers:

W/24/0717 - Installation of 12no. electric vehicle charging points, sub-station, LV panel, including associated works and lighting - Yet to be determined

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- DS4 - Spatial Strategy
- PC0 - Prosperous Communities
- SC0 - Sustainable Communities
- TC2 - Directing Retail Development
- BE1 - Layout and Design
- BE3 - Amenity
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources
- CC1 - Planning for Climate Change Adaptation
- FW2 - Sustainable Urban Drainage
- TR1 - Access and Choice
- TR3 - Parking
- Guidance Documents
- Parking Standards (Supplementary Planning Document- June 2018)
- Air Quality & Planning Supplementary Planning Document (January 2019)

SUMMARY OF REPRESENTATIONS

Warwick Town Council: Object on the following grounds:

1. Support the comments of WCC Landscape in terms of the application lacking details on the proposed changes in levels, how excavated material would be dealt with, the extent of tree removals / pruning works that would be required to facilitate the development, and the lack of mitigation planting. The proposed development contravenes Chapter 12 of the NPPF and Local Plan Policy NE4.
2. Support the comments of WCC Ecology in terms of more evidence being requested regarding the impacts of the application on the biodiversity of the site and required mitigation measures to be made.
3. Support the comments of WDC Environmental Health in terms of more information and assessment required of noise impacts, waste collection hours, noise limits and construction management.
4. Negative impact on the neighbours' amenity in terms of noise and highway safety.
5. Comments required from WCC Highways.
6. No evidence that a town centre location has been explored.

WDC Arboricultural Officer: No objection. Two high quality Willow trees will need to be removed to facilitate the proposal along with four low quality trees (three Alder and a third Willow). However, the surrounding woodland vegetation would not be affected and will continue to screen the site from view by from passing motorists. The applicant's Tree Report concludes that the losses are relatively few, and acceptable in the context of the overall site, and that there is adequate space for mitigation planting if necessary. A draft Tree Protection Plan has been provided which indicates an alignment for tree protection measures, but no detail has been offered as to what they might be and to what specification they may be required. Although the arboricultural constraints are relatively minor and it is unlikely that lasting harm would befall the retained trees if the proposal was built out as shown, a site-specific Arboricultural Method Statement should be submitted. If this is submitted prior to determination, then the tree protection measures can be a compliance condition.

WDC Environmental Health: No objection, subject to conditions to control the hours of operation (6am to 11pm), restrictions on delivery/waste collection times, the implementation of signage regarding the use of the outdoor seating area after 7pm and the use of the EV charging, limits on plant noise and a Construction Management Plan.

WDC Planning Policy: The proposal aims to predominantly serve passing trade from the M40 corridor. It would be hard to argue that there are any other town centre or sequentially preferential sites available to accommodate such a use. Furthermore, the amount of trade diversion from Warwick Town Centre is likely to be negligible given the nature and business model of this particular proposal (a coffee shop with associated drive thru intended to serve passing trade). The proposal is also below the required floorspace level to trigger the requirement for a Retail Impact Assessment as required by Policy TC2. The submitted retail impact/sequential basis of the applicant's proposal is accepted.

Lead Local Flood Authority: No objection, subject to conditions requiring a detailed surface water drainage scheme for the development and maintenance arrangements for this infrastructure.

Local Highway Authority: No objection, subject to conditions requiring a Construction Management Plan, the detailed design of the vehicular and pedestrian accesses to the site from the public highway and the provision of the proposed on-site parking for customers and facilities for delivery vehicles.

National Highways: No objection.

WCC Ecology: An updated Biodiversity Net Gain (BNG) metric is required to show the new tree planting proposed within the land within the ownership of the applicant and to clarify how existing trees within this area are being recorded. It is likely that there will be an overall BNG loss, which will need to be addressed.

WCC Landscape: No objection. The revised Planting Plan largely addresses the previous queries raised. The condition recommended by the LLFA would provide further detail on the edging and construction of the bio-retention planters and other hard surfacing. A condition is also considered necessary requiring a detailed hard and soft landscaping plan and a management plan to help ensure the bio-retention planters are effective.

Ward Councillors:

- Councillor John Holland objects on grounds that traffic on the A429 is already excessive at this junction.
- Councillor Daniel Brown objects due to concerns over increased traffic and congestion in an already often congested area, which in turn causes increased pollution that is harmful to people and wildlife.

Public Response: A total of 13 letters of objection have been received from 10 different objectors. A summary of the comments made is provided as follows:

- Lack of consideration for the adjacent properties on The Peacocks, which is accessed from the A429 Stratford Road via the shared entrance with the hotel. The submitted plans do not show The Peacocks residential area and as a result give a false impression of the scale of the various potential impacts of this proposal. It should be noted that The Peacocks is a private road and starts at the gated entrance to the residential area and not at the junction with the highway. The closest residential properties are only approximately 40 metres from the development.
- The Transport Study is flawed; The number of movements is understated, not least because the hotel has not yet recovered its occupancy rates to pre-covid levels and was conducted in November rather than in summer. Also question the age of some of the data that has been used and the conclusions reached.
- The access onto and from the A429 is often problematic, especially during rush hours, for cars turning right out of the hotel/Peacocks residential area, and cars turning right into the hotel/Peacocks. The A429 has a middle turning lane for these purposes, however it can only accommodate 2 cars. More cars tuning

right could cause a blockage and potential grid lock on the A429. Cars turning right into the McDonald's site will add to the potential for blockage.

- If the additional vehicles generated by the development are unable to pull out onto the A429 as the queue is at standstill, cars will soon start to form a queue exiting the coffee shop. This may well mean the entrance out of the Peacocks Road will become blocked.
- The proximity of the bus stop presents a hazard. When a bus is parked it impairs the view of drivers turning left from the entrance and means pulling out into the filter lane to have a clear view of the road.
- If the coffee shop site becomes "full", there is no provision on the tight site for vehicles to abandon their attempted visit and exit, further adding to possible congestion.
- Increased car and large commercial/delivery vehicle movements to the area adjacent to the Peacocks residential estate.
- Currently three kinds of traffic have to negotiate an area just inside the site, namely residents, hotel customers and service vehicles. To add other categories of user will create dangerous situations in a congested area only metres from a main arterial route, the A429. Also, the provision of EVC points could attract additional vehicles not even using the coffee outlet.
- It is stated that the outlet is not intended for HGV usage but there is no guarantee that large vehicles will not enter the proposed site.
- An increase in traffic levels from the development will exacerbate existing congestion issues and cause unnecessary delay to residents. Question how traffic will be managed.
- Any additional traffic entering or leaving The Peacocks will have a detrimental impact on both highway safety and emergency vehicles, contrary to Policy TR1 of the Local Plan. Amendments to the junctions/priorities on The Peacocks/A429 and A429/Longbridge Island junctions would be required prior to any development.
- The proposed footpath link to the existing bus stop from the site appears to show a crossing point near the entrance. This is a safety hazard; pedestrians could be at risk from vehicles leaving the Peacocks and traffic moving to and from the hotel and current service area. Very often cars are parked here in spite of the No Parking sign.
- The access road is used by hotel staff/visitors walking to and from the bus stops either side of the A429. This is potentially dangerous so a Road Safety Audit should certainly be considered.
- Inadequate walkways exist and vehicles often turn into the Peacocks / Marriott access road at speed.

- There are a number of mature trees, of varying ages and quality, that will be lost if this application is approved. Those same trees currently add significantly to the landscape and will continue to do so for some time. Removal of trees will harm the character of the area and the approach into Warwick. These trees also help reduce road noise and pollution.
- The new access road, with additional hardstanding, will require the removal of some mature trees which provide a green gateway into Warwick, enhance the present landscape and offset some traffic noise. Also concerned that additional trees/shrubs which provide screening from the A429 will be removed from this area where the proposed footpath link is.
- Increased noise from noise from vehicle movements and additional equipment/air conditioning units.
- Increased light pollution.
- Increased volumes of customer and delivery vehicles will adversely affect air quality, including through vehicles idling while they queue.
- Litter will undoubtedly also become a problem as demonstrated by increased levels of rubbish emanating from the Mc Donald's site. Litter will attract vermin to the area.
- Loss of green space - the proposal encroaches on one of the few remaining green spaces in the area where people walk and walk pets.
- Loss of habitat - How will the impact on wildlife be compensated?
- New tree planting cannot compensate for removal of healthy mature trees.
- Question the need for another coffee outlet in this location. Refreshments can currently be purchased at the Marriott Hotel, McDonalds, the Holiday Inn and at Starbucks nearby on the A46 and there are also other drive thru coffee shops within a short distance.
- With the McDonald's opposite and now this drive through coffee shop it is creating a "Longbridge Services" by stealth. The infrastructure needs to be in place that can support the "Services".
- There is already a great deal of under-utilised car parking at the Marriott site. This existing space could easily be developed to promote EV charging in this area.
- Conflicting use of post codes throughout the application.

ASSESSMENT

Principle of development

The proposal is for a coffee shop with drive thru along with associated parking and an electric vehicle (EV) charging hub.

The proposed development is located within the grounds of a hotel that lies just off Junction 15 of the M40. There is another hotel and a McDonald's restaurant close to the site on the opposite side of Stratford Road. Supporting information states that the coffee shop would offer a complementary facility to the existing hotels and fast food outlet whilst also serving the needs of motorists and those working in the local area.

The application site lies outside of the defined Urban Area Boundary on the Local Plan Policies Map. This is the case for all the existing development immediately surrounding the site, which includes the Marriott hotel, the residential development at The Peacocks and Earls Meadow as well as the neighbouring Holiday Inn hotel, McDonald's and Forever Living Products offices. Therefore, while the site is outside of the Urban Area Boundary, it is nevertheless part of an established urban environment on the edge of the defined Urban Area. As such, it is not considered that the development would conflict with the Council's spatial strategy for focusing growth under Policy DS4.

The proposal comprises a main town centre use. The NPPF states that Local Planning Authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre.

Policy TC2 of the Local Plan seeks to direct new retail development towards retail areas defined in the Policies Map (restaurants and cafes are included as retail development under this policy). Policy TC2 also takes a sequential approach, requiring that locations are considered in the following order:

- A) sites and buildings within the defined retail areas of the town centres;
- B) then sites on the edge of the retail areas;
- C) then out-of-centre sites.

Where sites on the edge of the retail areas are considered, preference will be given within each category to accessible sites that are well connected with the retail area. Evidence of the impact on the retail area will be required where the proposal is above 500 sq. m gross floorspace.

The application site is within an out of centre location. For the purposes of the sequential test, the applicant has sought to justify the proposed location on a business model and site-specific basis. The development is primarily intended to serve road users on the M40 and local road network as well as the existing hotel.

As such, it would not be appropriate to locate the development elsewhere because it would not meet the intended catchment for the coffee shop or the recognised need.

Officers acknowledge that the proposal aims to predominantly serve passing trade associated with the M40 corridor and, having regard to the particular characteristics of the applicant's business model, there are not considered to be any town centre or other sequentially preferential sites that would be available to accommodate the proposed use. On this basis the principle of the development in this location is accepted. While officers recognise that there would also be some trade associated with the adjacent hotel, this is not considered to carry any weight from a sequential test perspective because there is no particular need for a stand-alone coffee shop to serve the established hotel.

The scale of the proposed development falls well below the threshold for requiring a Retail Impact Assessment. The amount of trade diversion from Warwick Town Centre is however likely to be negligible given the nature and business model of the proposal.

Having regard to all of the above, the general principle of the development is considered acceptable. This is subject to the impacts of the development as discussed within the remainder of this report.

Impact on the character and appearance of the area

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

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

Policy NE4 of the Local Plan requires new development to positively contribute to landscape character.

The application site forms part of the landscaped grounds of a hotel. The site lies to the front of the hotel adjacent to an area of parking and forms an area of maintained grassland that contains a small number of trees. This area is formed into a low earth mound that slopes up gently from the adjacent car park and then falls away towards the boundary with Stratford Road. There is quite substantial tree planting just beyond the site's southern boundary where there is an embankment separating the hotel grounds from Stratford Road. There is also significant tree coverage towards the west where the hotel grounds abut the Warwick Bypass.

The character of the wider area is heavily influenced by the adjacent road network, including the Longbridge Island which sits at a higher level to the hotel site. There is a mixture of commercial and residential development within the vicinity. A hotel, McDonald's restaurant and some offices exist towards the south and two separate pockets of residential development lie to the east. The closest of these pockets of residential development is known as The Peacocks and forms a secluded group of 20 houses that share an access with the hotel. Trees and other substantial vegetation to the roadside boundaries are a characteristic feature of the area.

The existing ground would be levelled to accommodate the proposed development so that it is on a comparable level to the adjacent car park and hotel. The coffee shop would be broadly rectangular in shape with a flat roof and the drive thru element would generally enclose the building. A planting scheme has been designed to the peripheries of the building and drive thru as well as to an area next to the proposed substation. Some new tree planting is also proposed within the adjacent hotel grounds.

The development would be set down in comparison to Stratford Road and would be contained by the adjacent highway embankment and well screened by the existing tree belts to the roadsides. It is evident that these trees are generally deciduous and so the effectiveness of the screening would vary across the year, although even when not in leaf the trees would still filter views of the development. The development would also be viewed within the context of the established hotel and perceived as a feature of the hotel complex, with the proposed soft landscaping scheme helping to soften the appearance of the development and embed it within the hotel grounds. The development would also be seen within the context of the nearby Holiday Inn and McDonald's site. For these reasons, Officers do not consider that the development would result in any significant harm to the character and appearance of the area.

The coffee shop building has a simple built form, but the proposed material palette provides variation and visual interest and the overall design is typical of the nature of the development. A condition requiring samples of the proposed facing materials is considered necessary to ensure a high-quality finish.

The proposed EV charging infrastructure is relatively low level and would not be out of keeping with the hotel site.

The County Landscape team have recommended that a condition be imposed requiring a detailed hard and soft landscaping scheme. This is considered reasonable and necessary in the interests of visual amenity.

In summary it is considered that the proposal complies with the above referenced policies and guidance.

Residential amenity

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

The NPPF states that planning decisions should create places that provide a high standard of amenity for existing and future users. Planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. This includes through mitigating noise and light pollution.

The nearest residential properties are a short distance from the site at The Peacocks, and the proposal would share its point of access from Stratford Road with these neighbouring properties.

It was originally proposed that the coffee shop would operate 24 hours, however the proposed opening hours have subsequently been amended from 6am to 11pm. The applicant has also confirmed that the outdoor seating area would only be used up until 7pm and signage would be installed to advise customers not to use this area after this time. Signage is also proposed in relation to the EV charging hub to remind customers to keep noise to a minimum and respect neighbouring occupiers.

The Council's Environmental Health team have been consulted on the application. The proposed opening hours (as amended) are considered acceptable. Given the site's location, noise associated with the use of the premises is likely to be mitigated by the surrounding road traffic noise at those times. It is recommended that these hours are controlled by condition. A condition to restrict the times of deliveries and waste collections is also recommended (no such activities before 0730 hours or after 2000 hours on Monday to Saturday or before 0900 hours or after 1800 hours on Sundays).

The Environmental Health team also recommend that the proposed signage relating to the use of the outdoor seating area and EV hub is secured by condition. A condition imposing limits on noise from plant is also recommended.

Officers consider that these conditions are sufficient to acceptably mitigate the potential adverse noise impacts resulting from the development.

Objectors have raised concerns with light pollution. No details of external lighting have been provided, although the separation distance to The Peacocks is likely to mitigate any potential for adverse impacts. Nevertheless, a condition can be imposed to secure details of any external lighting to ensure no unacceptable light spill occurs.

Objectors have also raised concerns with the impact on air quality. The application is supported by an Air Quality Mitigation Statement and Transport Statement. The Transport Statement states that the proposed development would generate additional traffic but the traffic impact of the proposed development would be negligible, as the majority of the trips generated would already be passing by the site on Stratford Road or would take a slight diversion off the Longbridge Island roundabout. The scheme also seeks to promote walking as an alternative to the private car as a mode of travel to/from the site, for example by improving walking connectivity between the development and the public highway where there is also a bus stop.

The proposal includes mechanisms for discouraging high emission vehicle use and encouraging the uptake of low emission fuels and technologies through the provision of eight electric vehicle charging points.

The Environmental Health team have not identified the impact on air quality as a particular concern and the proposed mitigation measures are considered to be appropriate for the scale of development proposed.

Highway safety and parking

Policy TR1 (Access and Choice) of the Warwick District Local Plan states that development will only be permitted if it provides safe, suitable and attractive access routes for pedestrians, cyclists and vehicles. Amongst other things, development proposals are expected to not be detrimental to highways safety. Policy TR3 (Parking) of the Warwick District Local Plan states that new development will only be permitted that makes adequate provision for parking. The Council's adopted Parking Standards SPD provides additional guidance in this regard.

The NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Additional and amended information was submitted during the application process to address comments made by the Local Highway Authority. Further information was submitted in relation to traffic generation, the access junction and the internal layout and traffic management within the site.

An updated Transport Statement was submitted which considers coffee shop drive-thru data from Warwickshire County Council. The updated forecast trip generation is 93 trips in the AM peak and 77 trips in the PM peak. The Local Highway Authority is in agreement with this.

To address road safety concerns the access junction has been modified to include "KEEP CLEAR" markings on the westbound carriageway of the A429 (Stratford Road) to allow the increased number of vehicles egressing the site to be able to make the right turn manoeuvre in the traffic flow without blocking the eastbound carriageway and the ghost right turn lane. This has been subject to a Stage 1 Road Safety Audit and the Local Highway Authority considers the proposed access junction arrangements to be acceptable. These works would need to be secured by condition.

The Local Highway Authority (LHA) raised concerns in respect of HGVs accessing the development and being unable to turn such that they will leave and re-enter the public highway in a forward gear. To address this concern the LHA recommended that advance signage be provided on the A429 Stratford Road to advise HGV drivers that the proposed development site is not suitable for large vehicles. The applicant considers that such signage is unnecessary and has emphasised that the site will not be signed for HGV drivers on the strategic road network and no facilities are proposed for HGV drivers. Moreover the nature of the development would make it obvious to HGV drivers that it is not suitable for large vehicles. The applicant has also stated that such signage would not be considered

to be good practice and would result in excessive street clutter. The LHA has accepted that advance signage on the A429 is not necessary to make the development acceptable in highway safety terms. Officers note as well that a height restriction barrier is proposed for the drive thru.

The proposed parking arrangements are considered acceptable. The layout provides 12 parking spaces, which includes 2 DDA bays. This level of parking is consistent with the Council's Parking Standards SPD for a restaurant/cafe of the size proposed within the application. In addition to this, the layout also provides 8 EV charging bays, motorcycle parking and 2 waiting bays for the drive thru. A separate delivery parking bay is also provided. Vehicle swept paths have been submitted to demonstrate that the parking spaces can be accessed properly. The LHA has recommended that the proposed parking and delivery arrangements are secured by condition. Such a condition is included in the Officer's recommendation. The proposal also includes measures to improve pedestrian connectivity between the development and the remainder of the hotel site and adjacent public footway on Stratford Road. This includes formalising an existing desire line adjacent to the access junction. The desire line crosses an area of landscaping and connects to the adjacent public footway where there is also a bus stop. The proposed footpath lies partially within the hotel grounds (blue land) and partially within highway verge (public highway). The footpath provides a benefit and these works can be secured by condition as part of the overall highway works.

Provision for cycle parking is not indicated on the proposed site layout plan. Cycle parking is considered necessary and a condition is therefore recommended to secure this.

The Local Highway Authority raises no objection to the application, subject to the imposition of the conditions outlined above. On this basis the application is considered acceptable in highway safety terms and accords with Policies TR1 and TR3 of the Local Plan and guidance in the NPPF.

Trees

It is necessary for a number of trees to be removed to facilitate the proposed development. Two high quality Willow trees and four low quality trees (three Alder and a Willow) would be removed. The LPA's Arboricultural Officer has assessed the application and has not raised any objection to their loss. The Arboricultural Officer has also assessed separately a request from a member of the public to serve a Tree Preservation Order (TPO) on the two high quality Willow trees that are proposed to be removed. However, the Arboricultural Officer did not consider that the trees were of sufficient quality or merit to deserve a Tree Preservation Order and that it would not be expedient or in the interest of public amenity to serve an Order.

While a number of trees would be removed, some substantial new tree planting is proposed as part of the scheme. This includes fifteen trees that would form part of the soft landscaping scheme around the edge of the drive thru and adjacent to the substation. In addition to this, around ten trees are proposed to be provided within the existing landscaped grounds to the western side of the coffee shop.

Officers are satisfied that the new tree planting would compensate for the proposed tree loss and would help to screen the new development.

The Arboricultural Officer has commented that the woodland vegetation along the highway embankment adjacent to the site would be unaffected.

A draft Tree Protection Plan has been provided which indicates an alignment for protection measures for trees within the hotel grounds, but no detail has been provided as to what these measures entail and their specification. While the arboricultural constraints are relatively minor and it is unlikely that lasting harm would befall the retained trees if the proposal was built out as shown, a site-specific Arboricultural Method Statement is considered necessary. This can be secured by condition.

Ecology

Policy NE3 states that new development will be permitted provided that it protects, enhances and/or restores habitat biodiversity and where this is not possible, mitigation or compensatory measures should be identified accordingly. The NPPF states that planning decisions should minimise impacts on and provide net gains for biodiversity.

The County Ecologist raises no objection to the principle of the development. While the application pre-dates the recent introduction of Biodiversity Net Gain legislation and so is not subject to the mandatory requirement of a 10% biodiversity net gain, the development is still required to provide no net loss of biodiversity in line with Policy NE3 and the NPPF.

A Biodiversity Net Gain calculation has been provided in support of the application, however, it is necessary for this to be updated to reflect the most up-to-date version of the proposed planting plan and enable an accurate assessment to be made. An updated calculation is awaited from the applicant. To expedite the determination of the application, it is therefore requested that this matter be delegated to Officers to resolve prior to any planning permission being issued and to include any condition(s) as deemed necessary to secure appropriate measures to deliver a net gain.

Flood risk and drainage

The site is in Flood Zone 1 on the Environment Agency's Flood Map for Planning and is therefore at low risk of flooding from main river sources.

Details of an overall drainage strategy have been provided with the application. It is proposed that surface water be discharged to a local surface water sewer via a new manhole. Roof, driveway, car parking and footpath areas would be attenuated on-site before discharging into the sewer at a restricted rate. The strategy uses cellular storage tanks and also involves the use of rain gardens as part of the proposed soft landscaping scheme, with new planting being provided within bioretention planters.

The Lead Local Flood Authority raises no objection to the application. The overall drainage strategy is considered acceptable and conditions requiring the detailed

design of the surface water drainage scheme and details of the proposed maintenance arrangements for the drainage infrastructure are recommended.

Sustainability

As small-scale retail development, the proposal does not meet the criteria for applying the Net Zero Carbon DPD. The development does nevertheless provide an EV charging hub that would offer high powered, fast chargers. Such infrastructure is necessary to help support the uptake of EV vehicles and so in this regard the proposal would deliver a benefit in tackling climate change.

Other matters

There are no heritage assets within or adjacent to the site that would be affected. There are some listed buildings within the wider vicinity of the site, the closest of which is Longbridge Manor and its associated barn that are on the opposite side of Stratford Road. Given the scale of the proposed development, the separation distance and the presence of intervening built form and landscaping, it is not considered that there would be any harm caused to the setting of these listed buildings.

Supporting information indicates that the development would support up to 2 full time jobs and 18 part time jobs. The employment creation is a benefit of the development that weighs in favour of the scheme.

A condition requiring a Construction Management Plan is recommended in the interests of highway safety and residential amenity.

A number of objections have been received from local residents and objections have also been received from Councillor Holland and Councillor Brown. The main concerns relate to the highway and residential amenity impacts of the development. Following the submission of additional and amended information, including a more robust Transport Statement and measures to mitigate the impact on the free flow of traffic within the site and on Stratford Road, the highway impacts are considered acceptable and there is no objection from the LHA. It is also considered that the potential impacts on residential amenity can be adequately controlled and there is no objection from Environmental Health. As such, Officers do not consider that objections on highway safety or residential amenity could be substantiated.

Of the other matters raised within the objections, these have either been addressed elsewhere in this report or are not material planning considerations.

CONCLUSION

The principle of a drive thru coffee shop that would principally serve passing trade is considered acceptable in this location. The proposal would not be out of keeping with the character of the area and the development can be controlled so as to acceptably mitigate any significant impacts on neighbouring residential occupiers. The scheme provides suitable measures to mitigate the highway impacts of the development and officers are satisfied that drainage and ecology matters can be

addressed through conditions. The application is therefore considered to be in accordance with the Local Plan as a whole and guidance within the NPPF.

The application is therefore recommended for approval, subject to the delegation of authority to officers to secure an appropriate Biodiversity Net Gain and which is dependent on the submission of some updated information from the applicant.

CONDITIONS

1 Time limit

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 Approved Plans

The development hereby permitted shall be carried out strictly in accordance with the details shown on the following approved drawings and specification contained therein:

- Drawing number WPS-GEN-087-P-01 Rev B (Block and Location Plans)
- Drawing number PM_WW_01_A (Proposed Site Layout Plan)
- Drawing number WPS-GEN-087-P-05 Rev A (Proposed Site Elevations)
- Drawing number WPS-GEN-087-P-06 Rev A (Proposed Building Plan)
- Drawing number WPS-GEN-087-P-07 Rev A (Proposed Building Elevations)
- Drawing number WPS-GEN-087-P-09 Rev A (Proposed Site Section)
- Drawing number SY23-355-LPP-23-01B (Landscape Planting Plan)
- Drawing number SY23-355-LPP-23-02B (Landscape Planting Plan - whole area)
- Drawing number 5496 01 (Planting Plan)

Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1, BE3, NE4 and TR1 of the Warwick District Local Plan 2011-2029.

3 Construction Management Plan

The development hereby permitted shall not commence unless and until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The construction management plan shall include details of:

- Suitable areas for the parking of contractors and visitors, including details of the capacity of the on-site staff/visitor/contractor parking areas and confirmation that this is sufficient to accommodate

forecast demand and thereby avoid vehicles having to park off site on the highway network

- Measures to prevent mud and debris on the public highway, including wheel washing facilities and the methods to be used to keep the public highway clear of any mud, debris and obstacles (in the event of spillage)
- Suitable areas for the unloading and storage of materials off the public highway
- The swept path analysis of the expected largest type of delivery vehicle when entering, leaving and turning within the site. This is needed to confirm that vehicles can enter and leave the site (from and to the public highway) safely and in a forward gear
- The routing and timing (avoiding peak periods) of delivery and other construction traffic to/from the proposed development and the measures by which this is to be managed and monitored, including signage and information that will be provided to contractors and delivery companies such that large vehicles can turn off the public highway (A429, Stratford Road) into the site without delay and will not have to wait in the public highway carriageway to gain access to the site
- Site working hours and delivery times
- Measures to control the emission of dust during construction
- Noise and vibration mitigation measures

All development works shall be carried out in strict accordance with the approved CMP.

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

4 Detailed drainage scheme

No development and subsequent use of the development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and the approved Foul and Surface Water Drainage Statement (Revision V1, dated 22.08.2023), has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

1. Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to 1.1l/s for the development.
2. Provide provision of surface water attenuation storage as stated within the Foul and Surface Water Drainage Statement (Revision V1, dated 22.08.2023) of 166.44m³ and/or in accordance with 'Science Report SC030219 Rainfall Management for Developments'.

3. Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.

- The current surface water management scheme utilising bio-retention planters and underground geocellular attenuation may be treated as a minimum, and consideration to the implementation of further above ground SuDS features, such as permeable paving and tree pits may be considered.

4. Demonstrate detailed design (plans, feature cross sections, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.

- Groundwater levels should be confirmed on site to ensure the proposed surface water management scheme utilising underground attenuation is viable.

5. Provide updated evidence to show an agreement from Severn Trent Water to connect to the existing surface water network. A developer enquiry should progress to a S106 agreement at the discharge of conditions stage.

Reason: To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policies BE1, SC0 and FW2 of the Warwick District Local Plan 2011-2029.

5 Maintenance of drainage infrastructure

Notwithstanding the submitted information, the development hereby permitted shall not be brought into use until a detailed, site specific Maintenance Plan has been submitted to and approved in writing by the Local Planning Authority. Such maintenance plan shall:

1. Provide the name of the party responsible, including contact name, address, email address and phone number.
2. Include plans showing the locations of features requiring maintenance and how these should be accessed.
3. Provide details on how each surface water relevant feature shall be maintained and managed for the life time of the development. The Maintenance Plan submitted shall cover all drainage features within the approved drainage scheme.
4. Be of a nature to allow an operator, who has no prior knowledge of the scheme, to conduct the required routine maintenance.

The approved maintenance plan shall be implemented throughout the lifetime of the development.

Reason: To ensure the future maintenance of the sustainable drainage structures in the interests of flood risk and amenity and to accord with Policies BE1, FW2 and SC0 of the Warwick District Local Plan 2011-2029.

6 Tree protection

Notwithstanding the submitted information, a detailed site specific Arboricultural Method Statement and Tree Protection Plan shall be submitted to and approved in writing by the Local Planning Authority before development commences. The development shall be carried out in accordance with the approved method statement and tree protection plan at all times.

Reason: In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.

7 Facing materials

No development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the Local Planning Authority. Details of facing materials shall be provided for the coffee shop building, substation and LV panel. The development shall only be carried out in accordance with the approved details and thereafter retained as such.

Reason: To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

8 Highway works

The development shall not be brought into first use until the vehicular and pedestrian accesses to the site from the public highway and the proposed 'KEEP CLEAR' markings on Stratford Road as shown on drawing number PM_WW_01, Rev A have been provided, subject to and in accordance with subsequent Highway Authority Technical Approval of the detailed design and a Stage 2 Road Safety Audit. The works shall thereafter be retained as such.

Reason: In the interests of highway safety and to enhance the connectivity of the site and accord with Policies TR1 and BE1 of the Warwick District Local Plan 2011-2029.

9 Parking and delivery arrangements

The development hereby permitted shall not be brought into first use until the on-site parking for customers and the facilities for delivery vehicles have been provided in accordance with Drawing Number PM_WW_01, Rev A, dated 26th March 2024. The parking and delivery arrangements shall thereafter be retained as such.

Reason: In the interests of highway safety and to accord with Policies TR1 and TR3 of the Warwick District Local Plan 2011-2029 and the Council's Parking Standards SPD.

10 Hard and soft landscaping

Notwithstanding the submitted details, no development shall commence above floor slab level unless and until a detailed hard and soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. Details of hard landscaping works shall include boundary treatments and all hard surfacing. The hard landscaping works shall be completed in full accordance with the approved details before the development is first brought into use; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the Local Planning Authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations.

Reason: To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.

11 Hours of use

The development hereby permitted shall not be open to customers outside the hours of 0600 to 2300.

Reason: To ensure that the site is not used at a time which would be likely to cause nuisance or disturbance to nearby residents in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

12 Hours of deliveries & waste collection

No deliveries, waste collections or other noisy external activities likely to cause nuisance to nearby residents shall take place before 0730 hours or after 2000 hours on Monday to Saturday or before 0900 hours or after 1800 hours on Sundays.

Reason: To protect the amenities of occupants of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

13 Signage

Details of the proposed signage regarding the use of the outdoor seating area after 7pm and the use of the EV charging hub shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use. The details shall include the size, content (text) and location of the signage. The signage shall be provided before the development is first brought into use and shall thereafter be retained.

Reason: To mitigate the potential impact of noise on nearby residents in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

14 Plant noise limits

Noise arising from any plant or equipment (measured as LAeq,5 minutes), when measured (or calculated to) one metre from the façade of any noise sensitive premises, shall not exceed the background noise level (measured as LA90,T). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level.

Reason: To protect the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029

15 External Lighting

Details of any external lighting for the development shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use. The details shall include a specification of the lighting, location, lux, hours of operation, details of light spillage and details of shielding to neighbouring properties. The details approved shall be implemented prior to the commencement of use of the development hereby permitted and shall thereafter be retained as such for the duration of the permitted use.

Reason: To ensure that any lighting is designed and operated so as not to detrimentally affect the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

16 Cycle Parking

Details for the provision of cycle parking facilities to serve the development shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use. The cycle parking facilities so approved shall be provided before the development is first brought into use and thereafter retained as such.

Reason: In the interests of encouraging the use of alternative modes of transport with the aim of creating a more sustainable development in accordance with Policies TR1 and TR3 of the Warwick District Local Plan 2011-2029.

Planning Committee: 16 July 2024

Item Number: 6

Application No: [W 23 / 1750](#)

Town/Parish Council: Whitnash

Case Officer: Joanne Bakare

01926 456637 joanne.bakare@warwickdc.gov.uk

Registration Date: 03/01/24

Expiry Date: 28/02/24

83 Golf Lane, Whitnash, Leamington Spa, CV31 2QB

Demolition of existing rear conservatory, erection of single and two storey front extension, two storey side extension, single and three storey (including lower ground floor level) rear extension, provision of rear balcony, raising of roof ridge line by 750mm and application of cladding FOR Mr Surj Hayer

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The applicant seeks planning permission for the demolition of the existing rear conservatory, erection of single storey side and rear extension and raising of the roof ridge line by 750mm.

THE SITE AND ITS LOCATION

The application site relates to a detached property located in Whitnash, Leamington Spa. The streetscene is characterised by a mix of detached and semi-detached properties.

PLANNING HISTORY

No relevant planning history

RELEVANT POLICIES

- National Planning Policy Framework
- [Warwick District Local Plan 2011-2029](#)
- BE1 - Layout and Design
- BE3 - Amenity
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- TR3 - Parking
- [Guidance Documents](#)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Parking Standards (Supplementary Planning Document- June 2018)
- [Net Zero Carbon Development Plan Document](#)

- NZC4 - Existing Buildings
- Whitnash Neighbourhood Plan (2011-2029)

SUMMARY OF REPRESENTATIONS

Whitnash Town Council - Objection: *"Concerned about basement games room and drainage. This could interfere with the surface water drainage and must be properly plumbed in. Also concerned about sufficient parking for a 5-bedroom house"*.

WCC Ecology - No objection, recommended notes attached.

Public Response - One neutral comment received relating to drainage, which is a matter to be dealt with at Building Regulations stage.

ASSESSMENT

Design and impact on character and appearance of the streetscene

The NPPF (2023) places an increased emphasis on the importance of achieving good quality design as a key aspect of sustainable development. Paragraph 135 states that planning decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate external facing materials. Development is expected to function well and add to the overall quality of the area by appearing sympathetic to the local character and history.

Local Plan Policy BE1 echoes paragraph 135 of the NPPF and states that new development will be permitted where it positively contributes to the character and quality of its environment through good layout and design. Proposals are expected to demonstrate that they harmonise with, or enhance, the existing settlement in terms of physical form, patterns of movement and land use. Proposals are also expected to reinforce or enhance the established urban character of streets and reflect, respect and reinforce local architectural distinctiveness.

The Residential Design Guide SPD sets out steps which must be followed in order to achieve good design in terms of the impact on the local area; the importance of respecting existing important features; respecting the surrounding buildings and using the right materials.

The proposed side extension is set back 450 mm set back and set down 225 mm with a 1 metre separation from the boundary in accordance with the Residential Design Guide to ensure a subservient appearance.

The proposed front extension will create a modern appearance which will sit comfortably on the property and within the streetscene which is mixed in character. It is noted that two storey front extensions have been granted at 79 and 85 Golf Lane.

The rear extensions, whilst sizeable, are considered to sit comfortably on the property and will not be visible in the streetscene.

The use of modern materials will provide a welcome refurbishment of the property which will sit comfortably in the streetscene which is mixed in character.

Impact on neighbouring properties and the current and future occupiers of the development

Warwick District Local Plan Policy BE3 requires that development must have an acceptable impact on the amenity of all neighbouring residents, in terms of light, outlook and privacy. The Council's Residential Design Guide SPD provides a design framework for Policy BE3 and states how extensions should not breach a 45-degree line taken from the nearest habitable room of the neighbouring property. This aims to prevent any unreasonable effect on the neighbouring dwelling, by reason of loss of light, unneighbourly effect or disturbance/intrusion from nearby uses. Policy BE3 also requires that all development should ensure that acceptable standards of amenity space are provided for existing and future occupiers of the development site.

The rear extensions will not breach the 45-degree line and therefore the impact on light and outlook of neighbouring properties is considered acceptable. There is scope for overlooking from the proposed rear balcony and a condition is therefore recommended to require details of privacy screens and implementation with the approved details prior to occupation. Overall, the proposed development is considered to comply with Local Plan Policy BE3

Ecology

Local Plan Policy NE2 of the Warwick District Local Plan 2011-2029 states that development will not be permitted that will destroy or adversely affect protected, rare, endangered or priority species unless it can be demonstrated that the benefits of the development clearly outweigh the nature conservation value or scientific interest of the site and its contribution to the wider biodiversity objectives and connectivity. Policy NE2 goes on to state that all proposals likely to impact on these assets will be subject to an ecological assessment.

As part of this application, a Preliminary Bat Roost Assessment was carried out by Martin Ecology, with the survey concluding that there is negligible potential for bats at the application property. Following on from the results of this survey, the County Ecologist has recommended that advisory notes relating to bats, birds, and biodiversity enhancements be attached to any approval granted.

These notes are set to be attached to the decision notice as requested and the proposal is therefore considered to comply with Local Plan Policy NE2.

Parking

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

The development as built increases the number of bedrooms from four to five. This increase does not result in an increase in the number of allocated spaces required by the SPD.

It is noted from the plans provided that there is sufficient space within the curtilage of the dwellinghouse for three vehicles and is therefore considered acceptable and in compliance with Local Plan Policy TR3.

Planning for Climate Change Adaptation

As required by the Council's Net Zero Carbon Development Plan Document (DPD) Policy NZC4, an Energy Statement has been submitted which demonstrates a consideration to sustainable construction and design, in accordance with Local Plan Policy CC1 – Planning for Climate Change Adaptation.

Other Matters

The neighbour's and Town Council's concerns about drainage are noted. However, the application site is within Flood Zone 1, with the lowest probability of flooding and matters relating to drainage will be dealt separately at Building Regulations stage.

CONCLUSION

The proposal is considered to constitute good quality design in respect of providing an extension that will enhance the existing dwellinghouse which adopts an appropriate material finish that harmonises with the main dwelling. The development is considered to have an acceptable impact on neighbouring amenity. The development is also considered to be in accordance with Local Plan Policy NE2 and there is sufficient capacity for parking.

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) 102, 103, 104, 1005, and specification contained therein, submitted on 05/12/23. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 The balcony hereby permitted shall not be occupied unless and until details of a privacy screen measuring a minimum 1.7m in height to be erected on the side elevations of the balcony hereby approved have been submitted to and approved in writing by the Local Planning Authority and fully installed in accordance with the approved details. The privacy screen shall remain in situ at all times thereafter. **Reason:** To protect the amenities of occupants of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

Planning Committee: 16 July 2024

Item Number: 7

Application No: [W 24 / 0326](#)

Town/Parish Council: Leamington Spa
Case Officer: Rebecca Compton

Registration Date: 25/04/24

Expiry Date: 20/06/24

01926 456544 rebecca.compton@warwickdc.gov.uk

Clarendon, 39A Haddon Road, Lillington, Leamington Spa, CV32 7QY

Change of use from dwellinghouse (Use Class C3) to a 5-bedroom House in Multiple Occupation (Use Class C4) FOR Angela Parker

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

RECOMMENDATION

Officers are recommending approval.

DETAILS OF THE DEVELOPMENT

The application seeks planning permission for the proposed change of use from a 4-bed dwelling (Use Class C3) to a 5 bed House in Multiple Occupation (Use Class C4).

THE SITE AND ITS LOCATION

The application site relates to an existing new build, two storey end of terrace dwelling with driveway parking located on Haddon Road, Leamington Spa.

PLANNING HISTORY

None relevant.

RELEVANT POLICIES

- National Planning Policy Framework
- [Warwick District Local Plan 2011-2029](#)
- BE1 - Layout and Design
- BE3 - Amenity
- H6 - Houses in Multiple Occupation and Student Accommodation
- TR3 - Parking
- [Guidance Documents](#)
- Parking Standards (Supplementary Planning Document- June 2018)
- [Royal Leamington Spa Neighbourhood Plan 2019-2029](#)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: No objection.

WCC Highways: No objection.

WDC Private Sector Housing: No objection.

Public response: 8 objections received raising concerns over increase in parking demand and the adequacy of the Parking Survey.

ASSESSMENT

Principle of Development

Whether the proposals would cause or add to a harmful over-concentration of HMOs in this area

Policy H6 of the Local Plan states that planning permission will only be granted for Houses in Multiple Occupation (HMOs) where:-

- a). the proportion of dwelling units in multiple occupation (including the proposal) within a 100 metre radius of the application site does not exceed 10% of total dwelling units;
- b). the application site is within 400 metres walking distance of a bus stop;
- c). the proposal does not result in a non-HMO dwelling being sandwiched between 2 HMOs;
- d). the proposal does not lead to a continuous frontage of 3 or more HMOs; and
- e). adequate provision is made for the storage of refuse containers whereby - the containers are not visible from an area accessible by the general public, and the containers can be moved to the collection point along an external route only.

Assessment:

- a). Within a 100 metre radius there are 2 existing HMOs out of 97 residential units. The existing concentration level is at 2.06%. The addition of one further HMO would increase the concentration of HMOs to 3.09% which is below the 10% limit of HMOs within a 100 metre radius.
- b). The nearest bus stop is located on Buckley Road which is within 400 metres walking distance of the property.
- c). The existing property does not sandwich a non-HMO between another HMO.
- d). It does not lead to a continuous frontage of HMOs.
- e). The proposal would retain the existing waste and recycling storage arrangements to the rear of the property. The containers would be stored in an area not accessible by the general public and the bins would be moved outside on collection day.

The development meets the requirements of Local Plan Policy H6 and is therefore considered acceptable.

Impact on the Street Scene

The development does not include any external alterations and so would not have any impact on the character of the street scene.

The proposal is therefore considered to be in accordance with Local Plan Policy BE1.

Impact on neighbouring properties

Local Plan policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a responsibility for development not to cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion.

The proposed change of use includes no external alterations. The proposal is therefore unlikely to have an impact on neighbouring residential amenity which would warrant reason for refusal of the application.

The proposed HMO would provide adequate living conditions for the future occupiers, all rooms benefit from outlook and light and there is adequate private amenity space.

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

Parking & Highway Safety

The existing parking requirement for the house is 2 spaces and the requirement for the proposed 5 bed HMO would be 3 spaces, according to the Council's adopted Parking Standards SPD. Whilst local objections have been received regarding the increase in parking demand, the site does benefit from on street parking space for 2 spaces and the applicant has submitted a Parking Survey which demonstrates that there is capacity within a 200m radius of the site to accommodate the additional requirement. The objections received are noted, however, on the basis of the evidence provided, Officers are satisfied the proposed parking arrangements for the site are acceptable.

The proposal would therefore be in accordance with Policy TR3 of the Local Plan.

Other Matters

Private Sector Housing have raised no objection to the proposed change of use.

Conclusion

The proposed change of use is considered to be acceptable in principle and would not have a harmful impact on neighbouring residential amenity, or the character of the area. The additional parking demand can be accommodated on-street within the surrounding area. The proposed change of use is therefore recommended for approval.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
 - 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved proposed floor plan, and specification contained therein, submitted on 07th March 2024. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
-

Planning Committee: 16 July 2024

Item Number: 8

Application No: [W 24 / 0346](#)

Town/Parish Council: Leamington Spa
Case Officer: Dan Charles

01926 456527 dan.charles@warwickdc.gov.uk

Registration Date: 24/05/24

Expiry Date: 19/07/24

Proposed New Footbridge, Radford Road, Leamington Spa

Installation of new bridge across the River Leam from Radford Road car park into Newbold Comyn Nature Reserve. New bridge to be 18.5m long by 3.5m wide with 10m section of footpath either side of the bridge also being widened to 3.5m. FOR Warwick District Council

This application is being referred to Planning Committee as it is a Warwick District Council application.

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The proposal is for the installation of a new bridge over the River Leam to replace an existing substandard bridge that following investigation was not considered capable of being restored back into viable use.

The proposed bridge is to be a total of 3.5m wide to give a useable width of 3 metres.

The construction of the bridge is to be a steel frame with timber facing. In addition to the bridge, the approaches to the bridge will be widened to allow access onto the widened bridge. The proposal also includes the use of 1.4m high timber post and rail fencing on the approach to the bridge deck for safety reasons.

THE SITE AND ITS LOCATION

The application site is located to the rear of the Radford Road Car Park. The former bridge links the car park to the wider nature reserve and Newbold Comyn as well as linking into a number of footpath links as well as the National Cycle Route. The bridge is proposed to cross the river Leam in the same location as the existing bridge that has now been removed.

The site lies within the Canal Conservation Area.

PLANNING HISTORY

No previous planning history relevant to site.

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- DS1 - Supporting Prosperity
- DS3 - Supporting Sustainable Communities
- DS5 - Presumption in Favour of Sustainable Development
- PC0 - Prosperous Communities
- SC0 - Sustainable Communities
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice
- HS1 - Healthy, Safe and Inclusive Communities
- HS4 - Improvements to Open Space, Sport and Recreation Facilities
- HS6 - Creating Healthy Communities
- NE1 - Green Infrastructure
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources
- FW1 - Development in Areas at Risk of Flooding
- Guidance Documents
- Parking Standards (Supplementary Planning Document- June 2018)
- Royal Leamington Spa Neighbourhood Plan 2019-2029
- RLS11 - Leisure, Sport and Recreation Facilities
- RLS14 - Cycling
- RLS15 - Canal and Riverside Development

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: The Town Council is pleased to see that the bridge is finally being replaced with a much more suitable bridge that will be better for pedestrians, cyclists and dog walkers alike.

WCC Rights of Way: I can confirm that there are no recorded public rights of way crossing or immediately abutting onto the application site. The Rights of Way team therefore has no objection to the proposals.

WCC Ecology: We have considered the PEA submitted and are satisfied that the protected species elements of this application are likely to be suitable for securing using conditions. However, insufficient information has been submitted to demonstrate how the development will provide gain for biodiversity some species measures and tree planting are shown but further details are needed and Net Gain needs to be quantified.

Public Response: 2 support comments received, making the following observations;

- Support these proposals which will help add much-needed capacity to the north-south Leamington transport network and help bring it up to NCN 41 standards.
- Would like to see path widened either side of bridge to accommodate all users.

- Would like to see a river depth gauge stick installed.
- Disappointed that it has taken so long for a replacement bridge to be designed and planning permission applied for. This bridge is an essential access point to the Newbold Comyn park and its loss has been keenly felt by its many users.
- The actual width of the footpath/cycleway is 3.0m. Thus it does not meet the Sustrans "typical cross section". This is probably not critical as it will certainly be better than the previous bridge in terms of width.
- Parapet height of 1.4m above the bridge deck is too high,
- Need to be appropriate bollards to prevent access by cars.
- Fail to see the need for the new wooden fence on the Radford Road side of the river bank.

ASSESSMENT

History/Background

The existing bridge was closed due to the discovery of significant structural issues rendering the bridge unsafe. Following investigative works, the existing structure was deemed to be beyond reasonable repair and it was necessary to replace the existing bridge.

The existing bridge structure has since been removed for health and safety reasons.

The proposal is to install an improved bridge at the same location with increased width to allow for easier use by pedestrians and cyclists together with all ancillary works.

Design and impact on visual amenity and the character of surrounding area

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

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

The Residential Design Guide SPD sets out steps which must be followed in order to achieve good design in terms of the impact on the local area; the importance of respecting existing important features; respecting the surrounding buildings and using the right materials.

The proposal is for a replacement bridge in the same location as the existing structure. The existing bridge structure was of little architectural merit and was in very poor condition. Following detailed assessment, it was determined that it was

unviable to retain and repair the existing structure and due to the degraded condition, it was removed.

The replacement structure is a considerable improvement over the previous bridge and is designed to cater for all users of this important link between the Radford Road and wider Newbold Comyn.

The bridge is of simple appearance and respects the rural character of the site and is proposed to meet the simple requirement of being an appropriate structure to provide a long-term solution for the movement of pedestrians and cyclists from Radford Road into the surrounding area.

Officers are satisfied that the bridge is appropriate for this location and is therefore considered acceptable having regard to Local Plan Policy BE1.

Impact on character of the Conservation Area

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

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

Policy RLS3 states that Development proposals that are within or directly affect a Conservation Area must assess and address their impact on their heritage significance.

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

The site lies on the very periphery of the Canal Conservation Area. It is noted that the site is somewhat divorced from the canal corridor itself. Notwithstanding this, the replacement bridge is a significant improvement compared to the existing bridge that it replaces.

The bridge is a necessary piece of infrastructure to reconnect the car park to the wider area and forms part of the National Cycle Network. Officers are satisfied that the design is appropriate for the location and the improved bridge will be an asset to all users by providing improved connectivity for all with no impact on the setting of the Canal Conservation Area.

The proposal is therefore considered acceptable having regard to Policy HE1 of the Local Plan and RLS3 of the Neighbourhood Plan.

Impact on adjacent properties

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

There are no near neighbours to the site that would be directly affected by the proposals.

The nearest properties are those fronting onto the Radford Road. Officers are satisfied that the reinstatement of the bridge would not result in any detrimental harm to the amenity of these properties.

The proposal is therefore considered acceptable having regard to Policy BE3 of the Local Plan.

Highway Safety

Policy RLS13 of the Neighbourhood Plan required all developments to support measures for sustainable transport methods to make Royal Leamington Spa a cleaner, safer and healthier town.

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

The proposal does not have any direct impact on vehicular traffic. The proposal will reinstate the existing link between Radford Road and the nature reserve and wider Newbold Comyn providing an off-road link for cyclists and pedestrians.

The improvements to the bridge will allow greater accessibility for all users and provide a new, high-quality structure that will provide greater longevity and safety for all users.

The proposal is therefore considered acceptable having regard to Policy TR1 of the Local Plan and Policy RS13 of the Neighbourhood Plan.

Impact on Ecology/Protected Species/ Biodiversity Net Gain

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

The proposal has been submitted with a detailed ecological appraisal of the site.

The County Ecologist has considered the survey work submitted and is satisfied that the protected species elements of this application are likely to be suitable for securing using conditions.

The Ecologist has advised that insufficient information has been submitted to demonstrate how the development will provide gain for biodiversity. It is noted that some species measures and tree planting are shown but have requested further details to demonstrate that net gain is achieved.

In assessing this element, Officers note that the proposal is to replace the existing bridge span across the river and the key elements that are changing are the widening of the approaches to reflect the increased width of the bridge.

Officers are satisfied that a net gain can be achieved on this site. At the time of writing, the applicant's Ecologist is preparing the net gain detail and should this be available prior to Committee, Officers will report this via the update sheet.

Should this not be forthcoming, in the interests of expediency for this important public infrastructure project, it is proposed to utilise a note which references the statutory standard condition for net gain to secure the detail of the net gain to the satisfaction of the County Ecologists before development commences.

I therefore consider that subject to appropriate conditions, the proposal is acceptable having regard to Policy NE3.

Flood Risk

Policy FW1 seeks to ensure that development in areas at risk of flooding are designed to ensure that they do not result in increased flood risk elsewhere.

The application has been the subject of significant pre-application discussions with the Environment Agency to ensure that the new bridge would not result in any potential increase in flood risk. The application was submitted with a detailed Flood Risk Assessment to demonstrate that the development has been designed to ensure that the replacement bridge would not result in any additional flood risk above that of the existing situation. The bridge has been designed to be higher above the river corridor compared to the existing to improve the flood resilience of the bridge and the assist with a reduction in potential snagging of debris during flood events.

The final Flood Risk Assessment has been assessed by the Environment Agency who have raised no objection to the scheme subject to a condition for the development to be in accordance with the detail within the Flood Risk Assessment.

Subject to the imposition of the requested condition, the development is acceptable having regard to Policy FW1.

Conclusion

This proposal is for a replacement bridge that results in a significant improvement over the existing structure and has been designed to be more fit for purpose and a long-lasting solution.

There are no matters that would outweigh the benefits of this development and it is therefore recommended for approval.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
 - 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing 5201- 01A and specification contained therein, submitted on 24 May 2024 and approved drawing(s) 231023-PEV-XX-ZZ-DR-S-000 REV P03 and 231023-PEV-XX-ZZ-DR-S-0001 REV P03, and specification contained therein, submitted on 25 June 2024. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
 - 3 The development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the District Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as native species planting, wildflower grassland creation, woodland and hedgerow creation/enhancement, and provision of habitat for protected and notable species (including location, number and type of bat and bird boxes, location of log piles). Such approved measures shall thereafter be implemented in full. **Reason:** To ensure a net biodiversity gain in accordance with NPPF.
 - 4 The development shall be carried out in accordance with the submitted flood risk assessment (Radford Road Bridge Replacement 5010781-RDG-XX-XX-DOC-C-0500 Report Reference RSE_7940_01_V3, dated May 2024). In particular, the new bridge should have a soffit level no lower than 50.60mAOD (300m above that of the existing bridge) and a deck level of no lower than 51.17mAOD. **Reason:** To ensure no increased flood risk elsewhere in accordance with Policy FW1 of the Warwick District Local Plan.
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Planning Committee: 16 July 2024

Item Number: 9

Application No: [W 24 / 0412](#)

Town/Parish Council: Warwick
Case Officer: Lucy Shorthouse
01926 456528 lucy.shorthouse@warwickdc.gov.uk

Registration Date: 25/03/24
Expiry Date: 20/05/24

10-12, 14-28, 32-45 Martinique Square, Bowling Green Street, Warwick
Replacement of existing timber framed windows and balcony doors with uPVC.
(Resubmission W/23/0363) FOR Martinique Square (Warwick) Ltd

This application is being presented to Planning Committee as 5 or more letters of support have been received, it is supported by the Town Council, and it is recommended for refusal.

The application was deferred at Planning Committee on 18 June to enable a sample of the windows to be considered.

RECOMMENDATION

It is recommended Planning Committee refuse this application for the reasons set out at the end of this report.

DETAILS OF THE DEVELOPMENT

Replacement of existing timber framed windows and balcony doors with uPVC.

THE SITE AND ITS LOCATION

Martinique Square was redeveloped into two new blocks of flats, three townhouses and the conversion of the former Public House (The Westgate Arms) which is Grade II Listed. The application properties are residential flats, within Martinique Square. 10-12, 14-28 (Block C) sit on the south, and 32-45 (Block A) on the north side. The application buildings are not Listed, but are located within the Warwick Conservation Area and within the immediate setting of a Listed Building. The blocks also face onto Hill Close Gardens to the west, which is a Grade II* Registered Park and Garden.

RELEVANT PLANNING HISTORY

This application is an unchanged resubmission of W/23/0363 for the same proposals which was refused at planning committee in May 2023.

RELEVANT POLICIES

- National Planning Policy Framework
- [Warwick District Local Plan 2011-2029](#)

- BE1 - Layout and Design
- BE3 - Amenity
- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- Guidance Documents
- Windows in Listed Buildings & Conservation Areas (Supplementary Planning Guidance)

SUMMARY OF REPRESENTATIONS

Warwick Town Council: Supports the application and considers the benefits outweigh any potential harm to the property.

WDC Conservation: Objection - considered to result in harm to heritage asset which is not outweighed by public benefits.

Cllr Rosu: Supports the proposal on grounds of benefit to climate/energy efficiency with benefit to residents and impact of visual change considered minimal.

Public Response: 33 other responses received in support of the proposal on grounds of improved thermal insulation, improved noise reduction, reduced maintenance and costs

ASSESSMENT

Impact on Designated Heritage Assets and Conservation Area

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

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

Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of designated Conservation Areas.

Paragraph 205 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Paragraph 208 states that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where

appropriate, securing its optimum viable use. This is reiterated in Local Plan Policy HE1.

Local Plan Policy HE2 notes that unlisted buildings can often contribute significantly to the special architectural or historic importance of conservation areas. This policy seeks to retain the integrity and form of unlisted buildings in conservation areas and recommends resisting alterations which would have an adverse effect upon the overall character of the conservation area.

The existing windows are timber framed double glazed units. The proposed windows are white uPVC. The use of double glazing is acceptable, and it is already in use. However, as per the 'Windows in Listed Buildings and Conservation Areas' Supplementary Planning Guidance (SPG) produced by the Council, uPVC windows are not supported within Conservation Areas. The large concentration of plastic windows would cause unacceptable visual harm to the appearance of the building. While it is acknowledged the application buildings themselves are not historic, they are sited in a prominent position within the Warwick Urban Conservation Area and within the direct setting of a Grade II Listed building (1-9 Martinique Square).

The differences between timber and uPVC units can have a harmful effect on the character, appearance and setting of heritage assets. uPVC is obviously modern. Together with the appearance of the smooth and shiny surface of the white uPVC frames, their wide configuration, and flat white glazing strips, the uPVC units markedly contrast with the traditional thin painted frames and slender structural glazing bars.

It is considered that the alteration of these windows from timber to uPVC would have a harmful impact on the setting of the neighbouring listed building and the character and appearance of the conservation area.

The statement submitted by the agent with this application raises that there are other buildings in the area which have uPVC windows. However, it should be noted that single dwellinghouses can change from timber to uPVC windows without planning permission under permitted development rights. These permitted development rights do not apply to flats or commercial buildings. Where the Council has control over window materials, decisions should be made in accordance with national and local policies including the SPG which states that changes from timber to uPVC should be resisted within conservation areas and on buildings which are historically important such as the application site. From a conservation perspective, property owners are actively encouraged to stick with timber irrespective of whether permission is needed or not, because this better reflects the historic character of the conservation area, and advice is always to retain and repair.

The example of Westbury Court was raised within supporting documentation and on the Officers' site visit. However this was considered acceptable at Planning Committee due to the specifics of the location in question. Westbury Court has a more contemporary design and has no relationship with, nor is it located in the immediate vicinity of, a listed building or individual heritage asset (with St Nicholas' Park not being a nationally listed park or garden). Furthermore it is well set back from the road.

It is not disputed that there are examples of uPVC in the locality. However, whilst there may be examples of uPVC being agreed, each case is assessed on its own merits, and for the reasons outlined in this report, in the case of this application, the use of uPVC is not considered acceptable.

The current condition of the timber windows is said to be poor, with repair works required. However, this is not justification to use an inappropriate form of material.

The supporting statement to this application also raises that the redevelopment of the property opposite the application site (former Printworks) has installed grey framed uPVC windows. However this is a modern building and was not designed with any direct relationship to the historic building of Martinique Square. Given that there is already large amounts of uPVC in this area, this is undermining the value of the immediate area which can now be considered unsympathetic to the wider setting, further emphasising the importance of retaining the character where possible, and should not be supportive of anything that is causing further erosion of this character.

There is great emphasis from supporting statements, comments received throughout the consultation response, and the Town Council that the rationale behind the replacement appears to be greater energy efficiency, an approach which is supported in overall terms.

The supporting document with this application states that uPVC will improve the acoustic and thermal properties of homes. However, whilst it is not disputed that the installation of new window units would improve performance, the choice of uPVC as the frame material is not considered to dictate this but rather, any improvement would be achieved through the increase in overall glazing thickness and a well fitted unit. Timber has low thermal conductivity and is therefore naturally a great insulating material, which is considered to provide better performance than uPVC. Timber is also considered a good acoustic insulator and has proven to be better than uPVC and aluminium at blocking out sound. Timber is also a sustainable choice, and considered appropriate for the Conservation Area with regard to the visual impact to the wider heritage asset but also the setting of the neighbouring listed building.

Aside from the framing material, what is most likely to effect the above factors, is the type of glazing. The glazing specification, which is 24mm and therefore the double the existing thickness, would improve thermal and acoustic efficiency. Whilst 12mm is usually specified for reduced visual impact, following conversations between the Conservation Officer and the Case Officer, it is considered that 24mm glazing would be acceptable in this location. The building, whilst being contemporary, was designed in relation to the listed building and its form and features are intended to be sensitive in character both in regards to its immediate setting but also the wider Conservation Area. However, the cumulative harm of both increased glazing thickness and uPVC is considered to have a detrimental visual and environmental impact.

It can be noted that in correspondence on this case, the agent has agreed that in considering whether uPVC would out-perform the standard quality timber windows, the specifications could match each other. Officers would therefore

reiterate the above points made, that any replacement window would be an improvement, and it is not the case that uPVC is required to achieve the desired outcome of the residents for increased efficiency.

Comments made during the application have also made reference to cost. However, if it is argued that the cost of replacement with timber is twice that of uPVC, with correct maintenance, typically timber outlasts the lifespan of uPVC products by two times. So considered over a long-term time period, the replacement costs would balance. Officers accept there are maintenance costs associated with timber, but the agent has confirmed periodic maintenance is already undertaken, so is not something unreasonable above what is already being performed. The decision to replace the windows is understood to be because the timber frames are at the end of their lifespan, and it is recognised all windows have a 'shelf life' so replacement would become an inevitable requirement.

The introduction of increasingly energy efficient windows would generate a public benefit in terms of sustainability. However, in this case the same public benefit can be achieved by timber-framed windows. Consequently there is no public benefit derived from using uPVC frames. Double glazed timber units would offer the same energy efficiency, and timber is a sustainable material that can be repaired, unlike uPVC which requires complete replacement.

When conducting a site visit, Officers were shown a sample of the proposed window with alternative profile options. The sample did not overcome Officer's concerns.

The harm to heritage assets would be categorised as "less than substantial" for the purposes of paragraph 208 of the NPPF. There are no public benefits to outweigh the harm. The proposals are therefore contrary to Local Plan Policies HE1, HE2 and the Council's 'Windows in Listed Buildings and Conservation Areas' Supplementary Planning Guidance.

In addition, Policy BE1 states development must reflect, respect and reinforce local architectural and historical distinctiveness. For the aforementioned reasons, it is not considered that the proposals comply with this policy.

Impact of the proposal on amenity

Policy BE3 of the Warwick District Local Plan seeks to ensure development proposals do not result in an adverse impact on the amenity of neighbouring residential dwellings or significantly impact the amenity of existing and future occupiers of the development site.

All windows and doors are replacing those that are existing, and no new openings are being proposed. The replacement windows therefore have no harm or additional impact on amenity, and the proposals are considered to comply with Local Plan Policy BE3.

CONCLUSION

The proposals would result in unacceptable harm to the Conservation Area and the setting of a Listed Building, and are contrary to Local Plan Policies HE1, HE2,

BE1 and the Council's 'Windows in Listed Buildings and Conservation Areas' Supplementary Planning Guidance. This harm is not considered to be outweighed by public benefits. It is therefore recommended that planning permission is refused.

REFUSAL REASONS

- 1 Policy HE1 of the Warwick District Local Plan 2011-2029 and the NPPF state that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Local Plan Policy HE2 recommends resisting alterations which would have an adverse effect upon the overall character of the conservation area. Local Plan Policy BE1 states development must reflect, respect and reinforce local architectural and historical distinctiveness.

In the opinion of the Local Planning Authority, the proposed uPVC windows would result in less than substantial harm to the significance of the conservation area and the setting of a Listed Building. There are no public benefits which outweigh this harm.

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

Planning Committee: 16 July 2024

Item Number: 10

Application No: [W 24 / 0471](#)

Town/Parish Council: Kenilworth

Case Officer: James Moulding

01926 456728 james.moulding@warwickdc.gov.uk

Registration Date: 14/05/24

Expiry Date: 09/07/24

Portland House, 20 Abbey End, Kenilworth, CV8 1LS

Installation of 17 solar panels on the 4 rear-facing roofs of Portland House. FOR
Mrs Lewis

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

RECOMMENDATION

It is recommended that this application is REFUSED for the reasons set out in this report.

DETAILS OF THE DEVELOPMENT

Installation of 17 solar panels on the 4 rear-facing roofs of Portland House. A full description of the proposed work is attached to this application in the form of a detailed quotation from MJS Solar.

THE SITE AND ITS LOCATION

The application site relates to a Grade II listed building which forms the end property of a small listed terrace row on Abbey End. The property is in a prominent position at the top of Abbey Fields and the rear is visible from Forrest Road & Lady Lane. The property is located in the Kenilworth Conservation Area and is considered to fall under Kenilworth Local Plan Policies KP13D and KP23E respectively.

PLANNING HISTORY

None relevant.

RELEVANT POLICIES

- National Planning Policy Framework
- [Warwick District Local Plan 2011-2029](#)
- BE1 - Layout and Design
- BE3 - Amenity
- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- [Net Zero Carbon Development Plan Document](#)

- NZC4 - Existing Buildings
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Kenilworth Neighbourhood Plan (2017-2029)
- KP13 - General Design Principles
- KP13D - Design Management in Abbey Hill
- KP13E - Design Management in Forrest Road and Castle Road

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: Support - no further comments given.

Conservation: Objection:

- Introduction of modern fabric would harm the significance of the listed building and neighbouring listed buildings,
- Obscuring the historic fabric would harm the significance of the listed building,
- The proposed solar panels would be harmful visual draws which would directly impact the listed building, the setting of the neighbouring listed buildings and also the wider conservation area,
- Welsh slate roof is a key aspect of the listing description,
- Appeal APP/T3725/W/23/3318317 sets a precedent for refusal,
- Proposal does not conform with NZC4.

WCC Ecology: No objection, recommend addition of a bat box condition and explanatory notes regarding bats and nesting birds.

Public Response: No representations.

ASSESSMENT

BE1 Design, HE1 Impact on Heritage Asset, NZC4 Existing Buildings

The NPPF (2023) places an increased emphasis on the importance of achieving good quality design as a key aspect of sustainable development. Paragraph 135 states that planning decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate external facing materials. Development is expected to function well and add to the overall quality of the area by appearing sympathetic to the local character and history.

Local Plan Policy BE1 echoes paragraph 135 of the NPPF and states that new development will be permitted where it positively contributes to the character and quality of its environment through good layout and design. Proposals are expected to demonstrate that they harmonise with, or enhance, the existing settlement in terms of physical form, patterns of movement and land use. Proposals are also expected to reinforce or enhance the established urban character of streets and reflect, respect and reinforce local architectural distinctiveness. The Council's adopted Residential Design Guide SPD provides guidance to help make the assessment of good design under Policy BE1.

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

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

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

The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is supported by Policy HE1 of the Warwick District Local Plan 2011-2029 which states that development will not be permitted if it would lead to substantial harm to or total loss of the significance of a designated heritage asset, unless it is demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

Neighbourhood Plan Policies KP13D and KP13E refer to the character areas identified as Abbey Hill and Forrest Road. They state that proposals in these areas should demonstrate regard for design characteristics where appropriate. Included in these characteristics are reference to slate roofs and the importance of the War Memorial as a focal point.

The proposed development relates to the installation of solar panels to the rear roof slopes of a Grade II listed building which is located in the Kenilworth Conservation Area. The applicant contests that the installation of these panels would not diminish the significance of the heritage asset or the Conservation Area. It is then proposed that the energy savings produced would outweigh any intervention to the house.

The recently adopted Net Zero Carbon DPD policy NZC4 states as follows:

"The sensitive retrofitting of energy efficiency measures and the appropriate use of microrenewables in historic buildings, including listed buildings, locally listed buildings and buildings within conservation areas will be encouraged, providing the special characteristics of the heritage assets are conserved in a manner appropriate for their significance."

The Conservation Officer has objected to the proposed development on the grounds that the introduction of solar panels as proposed on this application would result in harm to the significance of the heritage asset, the setting of neighbouring listed buildings, and the character of the wider Conservation Area. The property is situated in a prominent position and it is considered that the rear of the property is a focal point for those travelling up Forrest Road and Lady Lane.

The applicant argues in the Heritage Statement that the rear of the property does not get specific mention in the listing description and is therefore of lesser heritage value. It is noted that the description does specifically mention the "hipped Welsh slate roof" and as such it is considered that the significance of this feature should not be undervalued. It is also stated that the development would not require the removal of any historic fabric, this view is contested as there must be some intrusion into historic fabric to attach the panels to the roof.

The Welsh slate of the roofs is a key feature of the building and forms part of the uninterrupted roof that spans the terrace of the neighbouring listed buildings. The installation of solar panels on the historic roofs would detrimentally impact the character of the heritage asset, by introducing clearly modern materials and obscuring historic fabric, which would isolate the property from the wider group listing of the three properties, alongside harming the historic character of the Conservation Area.

The Conservation Officer also references appeal APP/T3725/W/23/3318317 (8 Clarendon Crescent) which relates to a dismissal on much the same grounds as is being assessed here. In this decision the Inspector notes that the introduction of solar PVs would create harm due to divergence from historic fabrics, especially where slate is a strong characteristic of the listed building.

Given the above, it is considered that the proposed development would not comply with the Net Zero Carbon DPD policy NZC4 - *"providing the special characteristics of the heritage assets are conserved in a manner appropriate for their significance"*. It is considered that the Welsh slate is a special characteristic that contributes to the significance of the property and that the installation of the proposed solar would not be appropriate, resulting in harm to said significance.

A concern is also raised about the visual draw created by the solar panels. As stated, they would be visible from Forrest Road and Abbey Fields, drawing views away from or intruding on views including the War Memorial and views from the ancient monument of Abbey Fields, impacting their significance.

It is on these grounds that it should be considered that the proposed development would result in harm to the significance of the heritage asset, the neighbouring heritage assets, and the character of the wider Conservation Area. For the purposes of the NPPF, this would fall within the category of "less than substantial harm", although it is considered that the level of harm would be significant. In order for planning permission to be granted, there would need to be significant public benefits that would be sufficient to outweigh this harm (NPPF para. 208).

The environmental benefits have been considered, but these are not considered to be sufficient to outweigh the significant harm that has been identified. In this regard it is notable that the support provided by Policy NZC4 is qualified by the requirement that the special characteristics of the heritage assets are conserved in a manner appropriate for their significance.

It is therefore considered that the development would contravene Local Plan Policies HE1, NZC4, and Neighbourhood Plan Policies KP13D & KP13E.

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

BE3 Neighbouring Amenity

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

It is not considered that the installation of solar panels would have a detrimental impact on neighbouring amenity. The proposals do not enlarge the property in a manner that would impact neighbours in relation to light or outlook.

It is considered that the proposed development would comply with Local Plan Policy BE3.

Ecology

The County Ecologist has recommended the addition of a bat box condition and explanatory notes regarding bats and nesting birds. It is noted that the results of the Preliminary Roost Assessment found no evidence of bats and that this bat survey recommended the addition of bat boxes as an enhancement.

Due to the request of a bat box being an enhancement, rather than a mitigation, it is not considered appropriate to apply to a householder development as there is no requirement on householder developments to make biodiversity net gains.

Summary

The proposed development is considered to result in harm to the significance of the heritage asset, the neighbouring heritage assets, and the character of the wider Conservation Area. It should be considered that the development would contravene Local Plan Policies HE1, NZC4, and Neighbourhood Plan Policies KP13D & KP13E. It is recommended that the application is REFUSED.

REFUSAL REASONS

- 1 Policy HE1 of the Warwick District Local Plan 2011-2029 and the NPPF state that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. In addition, Neighbourhood Plan Policies KP13D and KP13E refer to the character areas identified as Abbey Hill and Forrest Road. It states that proposals in these areas should demonstrate regard for design characteristics where appropriate. Included in these characteristics are references to slate roofs and the importance of the War Memorial as a focal point.

Net Zero Carbon DPD Policy NZC4 states that the sensitive retrofitting of energy efficiency measures and the appropriate use of microrenewables in historic buildings, including listed buildings, locally listed buildings and buildings within conservation areas will be encouraged, providing the special characteristics of the heritage assets are conserved in a manner appropriate for their significance.

In the opinion of the Local Planning Authority the proposal would cause less than substantial harm to the significance of the listed building, neighbouring listed buildings and the Conservation Area by reason of introducing modern materials to a prominent roof slope in the Conservation Area, disruption of an uninterrupted roof that spans the terrace of listed buildings and thereby harming their character as a grouping, obscuring characteristic historic fabric, and creating a visual draw away from the War Memorial and impacting on views from the ancient monument of Abbey Fields. No public benefits have been identified to outweigh this harm.

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