

Planning Committee

Tuesday 6 November 2018

A meeting of the above Committee will be held at the Town Hall, Royal Leamington Spa on Tuesday 6 November 2018 at 6.00pm.

Councillor Cooke (Chairman)

Councillor Day (Vice Chairman)

Councillor Ashford

Councillor Mrs Hill

Councillor Barrott

Councillor Morris

Councillor Boad

Councillor Mrs Stevens

Councillor Mrs Bunker

Councillor Weed

Councillor Heath

Emergency Procedure

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

Agenda

Part A – General

1. Apologies and Substitutes

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

2. Declarations of Interest

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

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

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

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

3. **Site Visits**

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

4. **Minutes**

To confirm the minutes of the Planning Committee of 9 and 10 October 2018
(Pages 1 to 43)

Part B – Planning Applications

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

5. **W/18/0606 - Land at The Triangle, Lower Heathcote Farm, Warwick** (Pages 1 to 26)
This is a major application
6. **W/18/0953 - Holloway Farm, Wellesbourne Road, Wasperton** (Pages 1 to 4)
7. **W/18/1551 - Car Park, Archery Road, Royal Leamington Spa** (Pages 1 to 13)
8. **W/18/1717 - Land to the north and south of the A45 (between Festival and Tollbar junctions) and land at the A45/Festival Roundabout, the A46/Tollbar Roundabout and at the junctions of the A444 with the A4114/Whitley Roundabout.** (Pages 1 to 11)
This is a major application
9. **W/18/1738LB - 2 Satchwell Place, Royal Leamington Spa** (Pages 1 to 5)
10. **W/18/1763 - Surface Car Park, Court Street, Royal Leamington Spa** (Pages 1 to 7)
11. **W/18/1826 - The Bungalow, Honiley Road, Beausale** (Pages 1 to 8)

Part C – Other matters

12. **Land at New Kingswood Farm, Dalehouse Lane, Kenilworth** (Pages 1 to 5)
13. **Appeals Report** (To follow)

Please note:

- (a) the background papers relating to reports on planning applications are open to public inspection under Section 100D of the Local Government Act 1972 and consist of all written responses to consultations made by the Local Planning Authority in connection with the planning applications referred to in the reports, the County Structure Plan Local Plans and Warwick District Council approved policy documents.
- (b) all items have a designated Case Officer and any queries concerning those items should be directed to that Officer.
- (c) in accordance with Council's Public Speaking Procedure, members of the public can address the Planning Committee on any of the planning applications or Tree

Preservation Order reports being put before the Committee. If you wish to do so, please call 01926 456114 (Monday to Thursday 8.45am to 5.15pm and Friday 8.45am to 4.45pm) or email committee@warwickdc.gov.uk, anytime after the publication of this agenda, but before 12 noon on the working day before the day of the meeting and you will be advised of the procedure.

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

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

Telephone: 01926 456114

E-Mail: committee@warwickdc.gov.uk

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

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

planningcommittee@warwickdc.gov.uk

Details of all the Council's committees, councillors and agenda papers are available via our website www.warwickdc.gov.uk/committees

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The agenda is available in large print on request,
prior to the meeting, by telephoning (01926)
456114

Planning Committee

Minutes of the meeting held on Tuesday 9 October 2018 in the Town Hall, Royal Leamington Spa, at 6.00 pm.

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

Also Present: Principal Committee Services Officer – Mrs Dury; Committee Services Officer – Mrs Tuckwell; Solicitor for the Council – Mrs Gutteridge; Senior Planning Officer – Mr Charles; Business Manager – Development Management – Mr Young; Manager – Development Services – Mr Fisher.

86. **Apologies and Substitutes**

There were no apologies or substitutes.

The Chairman explained that Councillor Ashford had been elected to replace Councillor Edgington on Planning Committee at the last meeting of Council. The agenda incorrectly still stated Councillor Edgington as a member of the Committee.

87. **Declarations of Interest**

Minute Number 92 - W/18/1276 - 2 Satchwell Place, Royal Leamington Spa

Councillor Boad declared an interest because the applicant approached him about six months ago. At the time, Councillor Boad advised the applicant to contact Councillor Quinney.

Councillor Weed declared an interest because she was the Ward Councillor.

Minute Number 99 - W/18/1729 - 35 Greville Smith Avenue, Whitnash

Councillor Heath declared an interest because he was the Ward Councillor.

Minute Number 93 - W/18/1602 - Land adjacent, 2 Mill Road, Royal Leamington Spa

Councillor Weed declared an interest because she was the Ward Councillor.

88. **Site Visits**

To assist with decision making, Councillors Ashford, Barrott, Boad, Cooke, Heath, Mrs Hill, Morris, Mrs Stevens and Weed visited the following application sites on Saturday 7 October 2018:

W/18/1276 - 2 Satchwell Place, Royal Leamington Spa;
W/18/1602 - Land adjacent, 2 Mill Road, Royal Leamington Spa;
W/18/1520 - Falcon Barn, Birmingham Road, Haseley;
W/18/1231 - Calmonfree, Haseley Knob, Haseley.

89. **Minutes**

PLANNING COMMITTEE MINUTES (Continued)

The minutes of the meeting held on 11 September 2018 were taken as read and signed by the Chairman as a correct record.

90. W/18/1284 – Cottage Baker, 52a Queen Street, Cubbington

The Committee considered an application from Mr & Mrs Soden for the proposed change of use from A1 retail unit to C3 residential, to provide a single dwelling.

This application was presented to Committee because it was recommended for refusal and Cubbington Parish Council was in support of the application, there were five letters of support for the application and one of the Ward Councillors, Councillor Wright, had called the application in to Committee for determination.

The officer was of the opinion that the proposed change of use would not adversely affect the character and appearance of the area, the special qualities, character and appearance of the Conservation Area and would not have a detrimental impact on local residents. However, the principle of development was contrary to the relevant provisions of the Local Plan and notwithstanding the information that had been submitted regarding the loss of the shop, the proposed change of use to a dwelling did not represent a facility or service, nor was there any justification as to what local need this proposal would satisfy. For these reasons the development would therefore be contrary to Local Plan policy TC17.

An addendum circulated at the meeting advised that the agent had submitted a further note making several additional points in support of the application. The Conservation Advisory Forum (CAF) considered that the building made a positive contribution to the Conservation Area and would welcome its retention and a viable use being found for it.

The following people addressed the Committee:

- Councillor Saul, Cubbington Parish Council, supporting;
- Mrs Miranda Rogers, supporting; and
- Councillor Wright, Ward Councillor, on behalf of Councillor Mrs Redford, supporting.

It was highlighted by Councillor Day that the property had been marketed for two years, in excess of the nine months required by the Local Plan policy TC17. Active marketing of the property had therefore been continuous since November 2016, as shown in a letter provided by EHB Letting Agents.

The report stated that there was an interested party at some point, however, the tenancy did not materialise because the landlord was not prepared to offer a reduced rent or pay for the fit out unit. Councillor Mrs Stevens pointed out that the personal circumstances of the landlord were not known to the Committee or indeed the officers, and therefore this should not be considered to the disadvantage of the applicant.

Councillor Boad mentioned that he was unable to see how the application did not comply with Policy TC17 and all avenues had been exhausted.

PLANNING COMMITTEE MINUTES (Continued)

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Barrott and seconded by Councillor Heath that the application should be granted contrary to the recommendations in the report and by virtue of compliance with Policy HE2.

The Committee therefore

Resolved that W/18/1284 be **granted** contrary to the recommendations in the report because the application does not contravene Local Plan Policies HE2 and TC17, subject to standard conditions and additional conditions to be agreed by officers in liaison with the Chairman of Planning Committee.

91. W/18/0554 - Waverley Riding School, Coventry Road, Cubbington

The Committee considered an application from Rosconn Strategic Land for the demolition and redevelopment of the existing equestrian centre to provide 16 no. dwellings (Class C3); widening and improvement to existing vehicular access and the road off Coventry Road; and provision of associated parking, landscaping and surface water attenuation.

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

The proposal was for the re-development of an existing brownfield site within the Green Belt and as such, accorded with the exception tests as set out in the NPPF. The proposal was for residential development adjacent to and abutting the development boundary of the growth village of Cubbington. On this basis, Officers were satisfied that the development accorded with the housing policies of the Warwick District Local Plan.

The proposals were considered to represent a visual improvement relative to the current position and provided an acceptable residential environment. Technical matters on site could be secured by appropriate conditions and the scheme would not result in harm to the visual amenity of the area, the amenity of neighbours, highway safety or matters of ecology, drainage and archaeology.

- Councillor Wright, Ward Councillor, addressed the Committee in support of the application.

Councillor Bunker raised concerns regarding access to the pastureland and allotments, as highlighted in the public responses. Councillors also pointed out that the development did not provide sufficient affordable housing and did not meet the Local Plan Policy H2 which required a minimum of 40% affordable housing. In addition, it involved buildings within the Green Belt and it impacted on its openness.

Councillor Mrs Hill and Councillor Day were concerned about the site's compatibility with the neighbourhood. The development would be isolated from the local community because the only way to reach the local facilities would be by driving.

PLANNING COMMITTEE MINUTES (Continued)

Following consideration of the report, presentation and the representations made at the meeting, it was proposed by Councillor Morris and seconded by Councillor Barrott that the application should be refused, contrary to the recommendations set out in the report because the application did not comply with Policies DS18 Green Belt, H2 Affordable Housing, BE1 Layout and Design, BE3 amenity and TR1 Access and Choice.

The Committee therefore

Resolved that W/18/0554 be **refused**, contrary to the recommendation in the report for the following reasons: it was contrary to DS18 Green Belt; it did not meet H2 Affordable Housing; it did not meet BE1 Layout and Design; it did not meet BE3 amenity; and it did not meet TR1 Access and Choice.

92. W/18/1550 - West Hill, Westhill Road, Cubbington

The Committee considered an application from Mr Raeburn for the erection of detached four no. bay garage with one no. room to the rear and a walled courtyard to accommodate a further four no. cars.

The application was presented to Committee because Cubbington Parish Council supported the application and it was recommended for refusal.

The officer was of the opinion that the proposal was unacceptable because it comprised inappropriate development in the Green Belt which was harmful by definition and by reason of harm to openness. No very special circumstances were considered to exist which would outweigh the harm identified. The proposed position of the garage was considered to be out of character within the context of the site, and therefore the proposed was contrary to BE1.

The following people addressed the Committee:

- Mr Peter Jenkins, supporting; and
- Councillor Wright, Ward Councillor, supporting.

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

The Committee therefore

Resolved that W/18/1550 be **refused** in accordance with the recommendations in the report for the following reason:

The erection of a detached outbuilding within the Green Belt was inappropriate development which was harmful by definition and by reason of harm to openness. In the opinion of the LPA, no very special circumstances had been put forward to outweigh the harm identified. The 'Permitted Development fall-back position' put forward by the applicant was not

PLANNING COMMITTEE MINUTES (Continued)

considered to constitute very special circumstances to outweigh the harm identified and to take such an approach would set a dangerous precedent.

The development was therefore contrary to Paragraphs 143 - 145 of the NPPF and Local Plan Policy DS18.

93. W/18/1276 - 2 Satchwell Place, Royal Leamington Spa

The Committee considered an application Miss Duggan for retrospective permission for the installation of a fence to the front of the property.

The application was presented to Committee because more than five letters of support were received and the application was recommended for refusal.

The officer was of the opinion that the development was considered to be out of keeping and harmful to the character of the area. Furthermore, the fencing was considered to cause harm to the setting of the listed building and Conservation Area. The harm was considered to be less than substantial, however, there were considered to be no public benefits to the scheme which would outweigh the harm caused. The proposal was therefore considered to be contrary to the NPPF and Local Plan policies BE1, HE1 and HE2, and therefore the application should be refused.

An addendum circulated at the meeting advised of an additional public response in support.

The following people addressed the Committee:

- Ms Waddell, supporting; and
- Councillor Quinney, Ward Councillor supporting.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, a motion to grant the application was defeated.

Subsequently, it was proposed by Councillor Boad and seconded by Councillor Day that the application should be refused for the reasons set out in the report.

The Committee therefore

Resolved that W/18/1276 be **refused** in accordance with the recommendations in the report for the following reasons:

- (1) the proposed development by reason of its positioning around the front curtilage of one of a group of Grade II Listed properties within the Leamington Spa Conservation Area along with its stark and modern design would be harmful to the setting of those Listed properties and would fail to preserve and enhance the character of that Conservation Area;

PLANNING COMMITTEE MINUTES (Continued)

- (2) there were no public benefits arising from the proposal which were sufficient to outweigh that less than substantial harm;
- (3) it was contrary to the National Planning Policy Framework;
- (4) contrary to the Warwick District Local Plan 2011-2029;
- (5) contrary to Policy BE1: Layout and Design;
- (6) contrary to Policy HE1: Designated Heritage Assets and their Setting; and
- (7) contrary to Policy HE2: Conservation Areas.

Following the issuing of the decision, Officers were requested to enter negotiations with the land owner for up to six months and provide an update to the Committee prior to the undertaking of enforcement action and to provide an update to the Committee at a future meeting.

(At 9:00pm the Chairman adjourned the meeting for 15 minutes.)

94. W/18/1602 - Land adjacent, 2 Mill Road, Royal Leamington Spa

The Committee considered an application from Mr Whitehead & Ms Hepburn for the erection of one no. dwelling house (resubmission of application ref: W/18/0591).

Councillor Quinney had requested that this application was presented to committee because the recommendation was to refuse.

The officer was of the opinion that the proposed development would represent a contrived, cramped and incongruous form of development which would be harmful to the street scene and Conservation Area. The development was therefore considered to be contrary to Local Plan policies BE1, HE1, HE2 and the adopted relevant guidance. The application should therefore be refused.

An addendum circulated at the meeting advised that one additional public response had been received.

The following people addressed the Committee:

- Ms Donna Savage, supporting; and
- Councillor Quinney, Ward Councillor supporting.

Councillor Mrs Stevens highlighted the fact that although a Conservation Area, there were several blocks of flats nearby and overall the area was very mixed. Councillor Mrs Stevens also mentioned the fact that there was a need for one-bedroom housing units in the District, and that she found the report to be dogmatic and prescriptive.

PLANNING COMMITTEE MINUTES (Continued)

Following consideration of the report, information contained in the addendum, presentation and representations made at the meeting, it was proposed by Councillor Mrs Stevens and seconded by Councillor Barrott that the application should be granted contrary to the recommendations in the report.

The Committee therefore

Resolved that W/18/1602 be **granted** contrary to the recommendations in the report, because the area did not justify being within the Conservation Area, subject to standard conditions and additional conditions to be agreed by officers in liaison with the Chairman of Planning Committee.

(The Council's video recording and microphone system failed at the start of this item and was therefore switched off.)

95. W/18/1231 - Calmonfree, Haseley Knob, Haseley

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

This application was presented to Committee because Beausale, Haseley, Honiley and Wroxall Parish Council supported the application and it was recommended for refusal.

The officer was of the opinion that the proposed development would represent a disproportionate addition to the application property which constituted inappropriate development in the Green Belt, which would be harmful by definition. The proposal would also cause harm to openness, and no very special circumstances had been presented which outweighed the harm identified.

The following people addressed the Committee:

- Councillor Slatem, Parish Councillor, supporting; and
- Mr Bridges, supporting.

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

The Committee therefore

Resolved that W/18/1231 be **refused**, in accordance with the recommendations in the report for the following reason:

The proposed development represented a disproportionate addition to the original building as it would increase the overall bulk and mass of the property and would extend the overall visual impression and therefore would constitute inappropriate development in the Green Belt which would be harmful by definition and by reason of harm

PLANNING COMMITTEE MINUTES (Continued)

to openness. No very special circumstances were considered to exist which outweigh the harm identified.

The proposed development is therefore contrary to the National Planning Policy Framework and to Policy H14 of the Warwick District Local Plan 2011-2029.

96. W/18/1520 - Falcon Barn, Birmingham Road, Haseley, Warwick

The Committee considered an application from Mr and Mrs Foss regarding the erection of a single storey link extension between the existing detached garage and converted barn; installation of six no. roof lights in the front and rear roof slopes of the converted barn and three no. roof lights in the rear roof slope of the existing detached garage; changes to the external facing materials of the existing detached garage; installation of one no, four-paned bi-fold door in the side elevation of existing detached garage; installation of one no., four-paned window in the rear elevation of the dwelling house; and installation of replacement like-for-like windows and doors.

This application was presented to Committee because Beausale, Haseley, Honiley and Wroxall Parish Council supported the application and it was recommended for refusal.

The officer was of the opinion that the proposal was not considered to meet the requirements of Local Plan Policies DS18 and H14, and the Guidance for Barn Conversions SPG and was therefore recommended for refusal.

The following people addressed the Committee:

- Mr Foss, supporting; and
- Councillor Gallagher, Ward Councillor, speaking in support.

Following consideration of the report, presentation and the representations at the meeting, a motion to grant the application was defeated after the Chairman used his casting vote. A motion to refuse the application proposed by Councillor Cooke, and seconded by Councillor Day followed.

The Committee therefore

Resolved that W/18/1520 be **refused**, in accordance with the recommendations in the report because:

- (1) Policy H14 of the Warwick District Local Plan (2011-2029) sets out a number of criteria for the conversion of existing rural buildings within the District and the policy specifically refers to the need for the proposed use to be accommodated without extensive rebuilding or alteration to the external appearance of the building, and for the appearance and setting of the building following conversion to protect and where possible, enhance the character and appearance of the countryside. The explanation
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PLANNING COMMITTEE MINUTES (Continued)

to the policy states that where proposals include extending rural buildings as part of their conversion, these will not be approved unless it can be demonstrated that the extension is essential for the retention of the building.

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

The proposed extension, additional windows and roof lights, replacement windows and doors are considered inappropriate alterations to this converted barn. In the opinion of the Local Planning Authority, the proposal disrupts the simple form of the converted barn in terms of the simple linear shape and also seeks to add a domestic feature, both of which would detract from the original character and appearance of the building, thereby prejudicing the objectives of the aforementioned policy. If permitted, this type of extension could act as a precedent for extensions to other converted barns which would be difficult to resist, thereby cumulatively eroding the character and appearance of the countryside to the detriment of the wider Green Belt and open countryside within the District.

- (2) Paragraph 99 of Circular 06/2005 Biodiversity and Geological Conservation – Statutory Obligations and their impact within the Planning System advises that it is essential that the presence or otherwise of protected species, and the extent to which they might be affected by the proposed development, is established before planning permission is granted, otherwise all relevant material considerations will not have been addressed on making the decision. Circular 06/2005 advises that the need to ensure that ecological surveys are carried out should only be left to conditions in exceptional circumstances. No such circumstances exist in this case.

PLANNING COMMITTEE MINUTES (Continued)

A motion to adjourn the meeting until the following evening was proposed by Councillor Ashford and seconded by Councillor Barrott.

Resolved that the meeting be adjourned to reconvene on Wednesday 10 October 2018 at 6.00pm at the Town Hall in Royal Leamington Spa.

(The meeting was adjourned at 10.28pm)

Resumption of the adjourned Planning Committee meeting held on Wednesday 10 October 2018 in the Town Hall, Royal Leamington Spa at 6.00 pm.

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

Also Present: Civic & Committee Services Manager – Mrs Barnes; Committee Services Officer – Mrs Tuckwell; Solicitor for the Council – Mrs Gutteridge; Head of Development Services – Mr Barber; Senior Planning Officer – Mr Charles; and Manager – Development Services – Mr Fisher.

Apologies for absence were received from Councillors Barrott, Boad, Mrs Hill and Morris.

Declarations of Interest had been submitted on Tuesday 9 October 2018.

97. W/18/0995 - Land North of Common Lane, Coventry

The Committee considered an application from Mr Bryan for the variation of condition no. 4 (approved plans) of planning permission W/14/1340 (Erection of up to 93 dwellings together with open space, drainage infrastructure and access from Common Lane (outline application including details of access - resubmission of W/14/0618) to remove the reference to an advanced stop line for cyclists which was no longer required as part of the highway works.

This application was presented to Committee because it was recommended that planning permission be granted subject to the completion of a Supplemental Deed further to the original legal agreement and subsequent Deed of Variation.

The original planning permission was granted under an outline application reference W/14/1340 and the reserved matters pursuant to this outline were subsequently approved under application reference W/17/1552. The policies and material considerations relevant to both the outline and the reserved matters decisions were set out in the associated officer reports.

The officers were of the opinion that the variation of condition 4 to remove the reference to the advanced stop line for cyclists would not result in any detriment to the access and parking arrangements, nor would there be any harm to highway safety in more general terms. There would be no other resulting harm to the visual amenity of the site and surroundings or the amenity of residential properties surrounding the site. Furthermore, there were no material changes in planning policy that would lead officers to a

PLANNING COMMITTEE MINUTES (Continued)

different conclusion to that which was reached previously through the assessment and determination of the previous application. It was, therefore, considered that the development remained in accordance with the relevant provisions of the Development Plan.

Following consideration of the report and presentation, it was proposed by Councillor Day and seconded by Councillor Mrs Bunker that the application should be granted in accordance with the recommendations in the report.

The Committee therefore

Resolved that W/18/0995 be **granted**, in accordance with the recommendations in the report, subject to the following conditions:

- (1) this permission is granted under the provisions of Article 4(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2010 as amended, on an outline application. Details of the layout, scale, appearance and landscaping shall be carried out in accordance with the reserved matters approved by the Local Planning Authority on 13 March 2018 under ref. W/17/1552. **Reason:** To comply with Section 92 of the Town and Country Planning Act 1990 as amended;
- (2) the development to which this permission relates shall begin within three years of the date of planning permission ref: W/14/1340, i.e. 23 December 2014 or within two years of the final approval of the reserved matters, whichever is the later. **Reason:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended);
- (3) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) (B.0292_13, B.0292_13-2, 461095-014 submitted on 25 September 2014 and 10 November 2014. Tree removal and tree protection plan Figure 2 submitted on 25 September 2014), and specification contained therein. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;
- (4) no part of the development hereby permitted shall commence until a scheme has been submitted to and approved in writing by the

PLANNING COMMITTEE MINUTES (Continued)

local planning authority indicating how and when the 'Secured by Design' standards will be incorporated into the development. The scheme shall be implemented in accordance with the approved details and shall be retained at all times thereafter. **Reason:** To ensure Secured by Design standards are met, in accordance with Policy HS7 of the Warwick District Local Plan 2011-2029;

- (5) no part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the local planning authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837: 2012, a Guide for Trees in relation to construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place without the prior consent in writing of the local planning authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **Reason:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policy NE4 of the Warwick District Local Plan 2011-2029;

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

- 1) (a) A site investigation has been designed for the site using the information obtained from the desk-top study and any diagrammatical representations (conceptual model). This should be submitted to and approved in writing by the local planning authority prior to that investigation being carried out. The investigation must be comprehensive enough to enable:
 - a risk assessment to be undertaken relating to human health;
 - a risk assessment to be undertaken relating to

PLANNING COMMITTEE MINUTES (Continued)

groundwater and surface waters associated on and off site that may be affected;

- an appropriate gas risk assessment to be undertaken;
- refinement of the conceptual model; and
- the development of a method statement detailing the remediation requirements.

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

(c) A method statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters using the information obtained from the site investigation, has been submitted to the local planning authority. The method statement shall include details of how the remediation works will be validated upon completion and shall be approved in writing by the local planning authority prior to the remediation being carried out on the site.

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

PLANNING COMMITTEE MINUTES (Continued)

monitoring proposals and reporting shall also be detailed in the report.

Reason: To safeguard health, safety and the environment in accordance with Policies BE3, NE4 and NE5 of the Warwick District Local Plan 2011-2029;

- (7) the development hereby permitted shall not commence until a scheme detailing arrangements to protect residents of the development from excessive traffic noise entering habitable rooms and the provision of quiet garden areas shielded from road noise shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details and shall be retained thereafter. **Reason:** To protect residents of the development from the adverse effects of traffic noise from outside the development in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029;
- (8) the development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which has been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for: the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of noise, vibration, dust, dirt and light during construction; and a scheme for recycling / disposing of waste resulting from demolition and construction works, unless otherwise agreed in writing by the local planning authority. **Reason:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1, TR3 and NE5 of the Warwick District Local Plan 2011-

2029;

(9) no development shall take place unless and until a Low Emission Strategy addressing the requirements of the guidance for a medium scheme under the LES guidance and confirmation from the developer to provide EV charging points has been submitted to and approved in writing by the local planning authority. The Low Emission Strategy shall thereafter be implemented in strict accordance with the approved details. **Reason:** To ensure mitigation against air quality impacts associated with the proposed development, in accordance with Policy NE5 of the Warwick District Local Plan 2011-2029 and the aims and objectives of national guidance within the NPPF 2012;

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

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

Reason: To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance

PLANNING COMMITTEE MINUTES (Continued)

with Policy FW2 of the Warwick District Local Plan 2011-2029;

- (11) the development hereby permitted shall proceed only in strict accordance with the Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work dated 11 January 2017 and the Mitigation Strategy approved in writing by the Local Planning Authority on 15 January 2018 in pursuance of part (c) of condition 5 of planning permission W/14/1340.

A programme of evaluative archaeological work and associated post-excavation analysis, report production and archive deposition detailed within the approved 'Written Scheme of Investigation for an Archaeological Excavation at Land North of Common Lane, Kenilworth, Warwickshire' (version 3) shall be completed within 6 months of commencement of the development.

The development, and any archaeological fieldwork post-excavation analysis, publication of results and archive deposition detailed in the approved Mitigation Strategy shall be undertaken and completed within 6 months of commencement of the development.

Reason: In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected where applicable, in accordance with Policy HE4 of the Warwick District Local Plan 2011-2029;

- (12) the development hereby permitted shall be carried out in accordance with the detailed lighting scheme approved by the local planning authority on 1 May 2018. Such works, and use of that lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details.

Reason: To ensure that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties and to ensure that appropriate measures are taken in relation to protected species in accordance with Policies BE3, NE2, NE4 and NE5 of the Warwick District Local Plan 2011-2029;

- (13) the development hereby permitted (including

PLANNING COMMITTEE MINUTES (Continued)

demolition) shall be carried out strictly in accordance with the Construction and Environmental Management Plan approved in writing by the local planning authority 6 September 2017. In addition appropriate working practices and safeguards for other wildlife dependent of further survey work, are to be employed whilst works are taking place on site. The approved measures set out in the CEMP shall be implemented in full. **Reason:** To ensure that protected species are not harmed by the development in accordance with National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Saved Policy NE2 of the Warwick District Local Plan 2011-2029;

- (14) the development hereby permitted shall be carried out strictly in accordance with the Landscape and Ecological Management Plan approved in writing by the local planning authority 28 February 2018. The approved measures set out in the LEMP shall be implemented in full. **Reason:** To ensure a net bio-diversity gain in accordance with the National Planning Policy Framework (NPPF) and in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029;
- (15) the development hereby permitted shall be carried out in accordance with the agreed scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site approved in writing by the Local Planning Authority on 12 April 2018. The development shall not be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority. **Reason:** In the interests of fire safety;
- (16) the development hereby permitted shall be carried out strictly in accordance with the full details of the design and appearance, including materials, of the bridge access into the site approved in writing by the Local Planning Authority on 12 September 2017. The approved details shall be implemented in full prior to the occupation of the development. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;

PLANNING COMMITTEE MINUTES (Continued)

- (17) the development hereby permitted shall be carried out in accordance with the details of the rain water harvesting scheme approved in writing by the local planning authority on 1 May 2018. This phase of the development shall not be first occupied until the works within this scheme have been completed and thereafter the works shall be retained at all times.

Reason: To ensure that the re-use and recycling of rain water is facilitated within this phase of the development in accordance with the provisions of Policy FW2 in the Warwick District Local Plan 2011-2029;

- (18) any landscaping (other than the planting of trees and shrubs) approved under condition 1, including boundary treatment, paving and footpaths, shall be completed in all respects for that phase of development, with the exception of tree(s) and shrub(s) planting, within the first planting season following the first use of the dwellings within that phase and the tree(s) and shrub(s) shall be planted within six months of that first use. Any tree(s) or shrub(s) removed, dying, or becoming in the opinion of the local planning authority seriously damaged, defective or diseased within five years from the substantial completion of the scheme shall be replaced within the next planting season by tree(s) or shrub(s) of similar size and species to those originally required to be planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1 BE3 and NE4 of the Warwick District Local Plan 2011-2029;

- (19) the existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any tree(s) or shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with tree(s) and

PLANNING COMMITTEE MINUTES (Continued)

shrub(s) of such size and species details of which must be submitted to and approved by the local planning authority. All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces). **Reason:** To protect those landscape features which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;

- (20) the mix of type and size of market dwellings submitted as part of any reserved matters application is to be agreed with the Local Planning Authority within the following parameters: 2 bed houses - 10-20%, 3 bed houses - 30-40%, 4 bed houses 55-65%. **Reason:** To ensure that the housing meets, as closely as possible, the needs of the District as required by Policy H4 of the Warwick District Local Plan Review 2011-2029 and the NPPF as closely, taking into account the viability of the development;
- (21) no construction will be undertaken until a Construction Management Plan, which must contain a Construction Phasing Plan and HGV routing plan has been submitted and approved by the local planning authority. **Reason:** In the interests of highway safety, in accordance with Policy TR1 in the Warwick District Local Plan 2011-2029;
- (22) prior to the commencement of the development (not including alterations to the bridge structure), the access to the site from Common Lane shall be constructed, located and laid out in general accordance with drawing number 461095-003 Rev 1 (*Minor alterations may be required during the detailed design process*). **Reason:** In the interests of highway safety, in accordance with Policy TR1 in the Warwick District Local Plan 2011-2029; and
- (23) no infill material system material (soil) shall be imported to the site unless and until analytical test results for the material have been submitted to and approved in writing by the District Planning Authority. The analytical

PLANNING COMMITTEE MINUTES (Continued)

results shall demonstrate that the soil is suitable for its final use. Once the material is in place a further report shall be submitted to and approved in writing by the Local Planning Authority to confirm that the soil cover meets or exceeds the agreed capping depth. **Reason:** To protect the health and safety of future occupiers, and to satisfy the requirements of Policy NE5 of the Warwick District Local Plan 2011-2029.

98. W/18/1435 - Land South of Gallows Hill, Banbury Road, Warwick

The Committee considered an application from William Davis Limited & Hallam Land Management Limited regarding outline permission, with all matters reserved except access, for a residential development of up to 180 dwellings, public open space, landscaping, access to Gallows Hill, sustainable urban drainage systems, footpaths/cycle ways and associated infrastructure.

This application was presented to Committee because it raised significant issues and, in the opinion of the Head of Development Services, it would be prudent to refer the application to Committee for decision.

The site was allocated within the Local Plan for residential development as part of allocation H46A. When taking into consideration the extant planning permission for 450 dwellings on the eastern element of the site, the proposed number of dwellings was in direct accordance with the overall allocation of 630 dwelling. The applicant had demonstrated that the site was capable of accommodating a very high quality scheme at that level which was acceptable in overall terms including in respect of the integration of built development within the surrounding historic landscape and the appropriate management of air quality issues such that the previous reasons for refusal had been addressed.

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

An addendum circulated at the meeting advised that at page 10 of the report, reference was made to an appeal against W/17/2275. This was, in fact, the earlier application W/17/0699. In addition, there was also an update to S106 Requests -The Warwickshire Police request was £33,243 not £27,487 as stated in the report. Updated conditions were also included in the addendum. The changes included removal of phasing condition as not required, variation of masterplan condition to be in accordance with details submitted and variation of design code condition to be in accordance with details submitted. Conditions were amended to be prior to commencement of dwellings, to allow works to spine road and access to commence together with minor wording alterations.

Following consideration of the report, presentation and the information contained in the addendum, it was proposed by Councillor Ashford and seconded by Councillor Day that the application should be granted, subject to the conditions in the report and the additional conditions in the addendum.

PLANNING COMMITTEE MINUTES (Continued)

The Committee therefore

Resolved that W/18/1435 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) details of the appearance, landscaping, layout and scale of the development (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out in strict accordance with these reserved matters as approved. **Reason:** To comply with Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2010 (as amended);
- (2) application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission. **Reason:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended);
- (3) the development to which this permission relates shall begin within three years of the date of this permission or within two years of the final approval of the reserved matters, whichever is the later. **Reason:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended);
- (4) no part of the development hereby permitted shall be commenced until a detailed access plan including details of the proposed alterations to the highway has been submitted to and approved in writing by the Local Planning Authority in consultation with the County Highways Department. Thereafter, the approved access shall be carried out in general accordance with the approved details prior to the first occupation of any dwellings constructed on the site. **Reason:** In the interest of highway safety and to ensure appropriate access is available for the future occupiers of the dwellings;
- (5) no commencement of the dwellings shall take place under any relevant phase of development until a detailed lighting scheme for that phase has been submitted to and agreed in writing by the local planning authority. In discharging this condition the

PLANNING COMMITTEE MINUTES (Continued)

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

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

Such works, and use of that lighting and/or illumination, shall be carried out and operated only in strict accordance with those approved details. **Reason:** To ensure that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties and that appropriate measures are taken in relation to protected species in accordance with Policies BE3, NE2, NE4 and NE5 of the Warwick District Local Plan 2011-2029;

- (6) the development hereby permitted shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. In discharging this condition the LPA expect to see details concerning pre-commencement checks for protected and notable species and subsequent mitigation as deemed appropriate. In addition appropriate working practices and safeguards for other wildlife that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full. **Reason:** To ensure that protected species are not harmed by the development in accordance with National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Policy NE2 of the Warwick District Local Plan 2011-2029;

- (7) the development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the
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Local Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as the pond, wildflower grasslands; provision of habitat for protected species. The plan should also include details on soil management to make best use of the high quality soils on site -detailed guidance to inform this matter is available in Defra '*Construction Code of Practice for the Sustainable Use of Soils on Construction Sites*'. Such approved measures shall thereafter be implemented in full. **Reason:** To ensure a net biodiversity gain in accordance with NPPF;

- (8) no part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the District Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837: 2005, a Guide for Trees in relation to construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the grounds levels be altered or any excavation take place without the prior consent in writing of the District Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed.

Reason: To protect trees and other features on site during construction in accordance with Policy NE4 of the Warwick District Local Plan 2011-2029;

- (9) the development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented in strict accordance with the approved scheme.

Reason: In the interests of fire safety;

PLANNING COMMITTEE MINUTES (Continued)

(10) the development hereby permitted shall not commence until:

1(a) A site investigation has been designed for the site using the information obtained from the desk-top study and any diagrammatical representations (conceptual model). This must be submitted to and approved in writing by the local planning authority prior to that investigation being carried out. The investigation must be comprehensive enough to enable:

- A risk assessment to be undertaken relating to human health;
- A risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected;
- An appropriate gas risk assessment to be undertaken;
- Refinement of the conceptual model;
- The development of a method statement detailing the remediation requirements.

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

(c) A method statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters using the information obtained from the site investigation, has been submitted to the local planning authority. The method statement shall include details of how the remediation works will be validated upon completion and shall be approved in writing by the local planning authority prior to the remediation being carried out on the site.

2. All development of the site shall accord with the approved method statement.

3. If during development, contamination not previously identified, is found to be present at the site then no further development shall take place (unless otherwise agreed in writing with the local planning authority for an addendum to the method statement). This addendum to the method statement must detail how this unsuspected contamination shall be dealt with.

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

Reason: To safeguard health, safety and the environment in accordance with Policies NE4 and NE5 of the Warwick District Local Plan 2011-2029;

- (11) no development shall take place under any reserved matters consent until a scheme for that reserved matters consent has been submitted to and approved in writing by the local planning authority demonstrating that surface water runoff does not exceed runoff from the undeveloped site and does not increase the risk of flooding off-site. Post development runoff volumes and peak flow rates will be limited to the Greenfield discharge rate for all rainfall return periods up to and including the 100 year plus 30% (for climate change) as outlined within the Flood Risk Assessment. On-Site surface water attenuation will be provided to the 1:100 Climate change (30%) standard using Sustainable Urban Drainage Systems. The site drainage strategy will demonstrate the appropriate assessment and adoption of SUDS techniques. The approved systems shall thereafter be retained and shall be managed and maintained in strict accordance with the approved details. **Reason:** To ensure that a satisfactory means of drainage is provided such as to minimise flooding, which promotes and maintains the good stewardship of the natural and built environment in accordance with Policies FW1, FW2 and NE4 of the Warwick District Local Plan 2011-2029;

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

(13) the commencement of the dwellings hereby permitted shall not start until a scheme detailing arrangements to protect residents of the development from excessive traffic noise entering habitable rooms and the provision of quiet garden areas shielded from road noise shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in strict accordance with the approved details and shall be retained thereafter. **Reason:** To protect residents of the development from the adverse effects of traffic noise from outside the development in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029;

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

- Any temporary measures required to manage traffic during construction
- Plans and details of haul roads within the site and for the turning and unloading and loading of vehicles within the site during construction
- Dust management and suppression measures – level of mitigation determined using IAQM guidance
- Wheel washing
- Noise assessment and mitigation method statements for the construction activities; in accordance with provisions of BS 5228:2009 Code of practice for noise and vibration control on construction and open sites – Part 1 and 2
- Concrete crusher if required or alternative procedure
- Delivery times and site working hours
- Site lighting
- Access and protection arrangements around the site for pedestrians, cyclists and other road users
- Restrictions on burning and details of all temporary contractors buildings

PLANNING COMMITTEE MINUTES (Continued)

- Plant and storage of materials associated with the development process
 - External safety and information signing notices
 - Complaints procedures, including complaints response procedures and dedicated points of contact
 - Best practicable means shall be employed at all times to control noise and dust on the site including:
- Work which is likely to give rise to noise nuisance be restricted to the following hours: Mon-Fri 7.30 am - 5 pm, Sat 7.30 am - 1pm. No working Sundays or Bank Holidays.
 - Delivery vehicles should not be allowed to arrive on site before 8 am or after 4.30 pm Mon – Fri, 8 am - 1 pm Sat and not on Sundays or Bank Holidays.

The measures indicated within the Construction Management Plan shall be implemented prior to the commencement of the development and maintained for the duration of the works, unless otherwise agreed in writing by the local planning authority. **Reason:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1, TR4 and NE5 of the Warwick District Local Plan 2011-2029;

- (15) no commencement of the dwellings shall take place unless and until a Low Emission Strategy has been submitted to and approved in writing by the local planning authority. The Low Emission Strategy shall thereafter be implemented in strict accordance with the approved details. **Reason:** To ensure mitigation against air quality impacts associated with the proposed development, in accordance with Policy NE5 of the Warwick District Local Plan 2011-2029 and the aims and objectives of national guidance within the NPPF 2018;

- (16) prior to the commencement :
- a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work across this site shall be submitted to and approved in writing by the Local Planning Authority.

PLANNING COMMITTEE MINUTES (Continued)

- the programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI is to be undertaken. A report detailing the results of this fieldwork is to be submitted to the Local planning authority.

- An Archaeological Mitigation Strategy document shall be submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development. Dependent upon the results of the trial trenching, this may include further archaeological fieldwork and/or the preservation in situ of any archaeological deposits worthy of conservation. Unless otherwise agreed with the Local Planning Authority, no development shall take place until any fieldwork detailed in the approved Archaeological Mitigation Strategy document has been completed to the satisfaction of the Local Planning Authority. The post-excavation analysis, publication of results and archive deposition shall be undertaken in accordance with the approved Mitigation Strategy document.

Reason: In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical developments are recorded, preserved and protected where applicable, before development commences in accordance with Policy HE6 of the Warwick District Local Plan 2011-2029;

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

- Illustrative details of how the proposed

PLANNING COMMITTEE MINUTES (Continued)

- layout of development has been designed with due regard to the surrounding urban and rural context
- Land form topography as existing and proposed
 - Land use plan and character areas (including densities and building heights)
 - Movement corridors within the site (including principal roads, public transport corridors, footpaths, cycleways and green corridors) and demonstrating how these relate to existing movement networks in the wider area
 - Location of any areas for off-street car parking areas and courts
 - Key infrastructure (including SUDs, significant utility provision, schools, district/local centres)
 - Landscape corridors and open space network
 - Public open space
 - Housing mix including tenure and size of dwelling
 - Location of affordable housing
 - Street tree planting and other structural planting landscape areas
 - Hard and soft landscaping treatments
 - Street lighting arrangements and any other lighting to public space
 - A phasing plan including triggers for delivery of key elements of supporting infrastructure
 - A statement establishing how the development proposals accord with the principles set out in the Site Wide Design Code.

Reason: In the interests of good urban design and a comprehensively planned development in accordance with submitted details within the Design and Access Statement, NPPF and Policies DS7, DS15, BE2 of the Warwick District Local Plan 2011-2029;

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

- hierarchy of streets/routes/sections (including the extent of adoptable highways and associated areas)
 - Development blocks including built form and massing and relationship with adjoining development areas/blocks including areas of transition between development parcels (including the relationship between built form and adjoining open space);
 - Building types
 - Building heights
 - The means to accommodate the parking of vehicles and cycles
 - Sustainable Urban Drainage features
 - Key spaces, open spaces and green features
 - Architectural language and detailing
 - Design principles for street tree planting and other structural planting landscaping areas
 - Design principles on hard and soft landscaping treatments (including surfacing materials for all public realm) and proposals for their long term management
 - Design principles on waste disposal and recycling
 - Design principles on the colour and texture of external materials and facing finishes for roofing and walls of buildings and structures
 - Design principles for street lighting and any other lighting to public space (including parking areas)
 - The principles shall include a regulating plan on an ordnance survey base at a scale no greater than 1:1250
 - A mechanism for periodic review and refinement if necessary of the approved Design Code
- The Design Code shall then be used to inform the subsequent reserved matters applications.

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Reason: In the interests of good urban design and a comprehensively planned development in accordance with submitted details within the Design and Access Statement, NPPF and Policies DS7, DS15, BE2 of the Warwick District Local Plan 2011-2029;

- (19) any landscaping (other than the planting of trees and shrubs) including boundary treatment, paving and footpaths referred to in condition one shall be completed in all respects, with the exception of tree(s) and shrub(s) planting, within the first planting season following the first use of dwellings within that phase and the tree(s) and shrub(s) shall be planted within six months of that first use. Any tree(s) or shrub(s) removed, dying, or becoming in the opinion of the local planning authority seriously damaged, defective or diseased within five years from the substantial completion of the scheme shall be replaced within the next planting season by tree(s) or shrub(s) of similar size and species to those originally required to be planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029;
- (20) the existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any tree(s) or shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with tree(s) and shrub(s) of such size and species details of which must be submitted to and approved by the local planning authority. All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces). **Reason:** To protect those trees and shrubs which are of significant amenity value
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and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029;

- (21) The mix of type and size of market dwellings submitted as part of any reserved matters application must accord with the recommendations contained within the most up to date version of the "Development Management Policy Guidance : Achieving Mix of Market Housing on new Development Sites".
Reason: To ensure that the housing meets the needs of the District as required by Local Plan Policy H4 of the Warwick District Local Plan 2011-2029 and the NPPF.

99. W/18/1571 - 222 Rugby Road, Royal Leamington Spa

The Committee considered an application from Mr Franch for the proposed change of use from C3 residential (existing 1no. one bedroom flat and 1no. two bedroom flat) into a six bedroom House in Multiple Occupation (use class C4).

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

The officer was of the opinion that the proposed change of use to an HMO within the area adhered to the criteria set out within the Local Plan and more specifically Policy H6. In any event, the principle of a small HMO at this site had already been established pursuant to planning permission W/18/0666. There would be no additional harm to nearby uses or residents as a result of the proposal which added two bedrooms to the already approved application. The parking arrangements were considered to be acceptable. Adequate waste storage was already provided and therefore the application should be granted.

Following consideration of the report and presentation, it was proposed by Councillor Heath and seconded by Councillor Day that the application should be granted, subject to the conditions in the report.

The Committee therefore

Resolved that W/18/1571 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall begin no 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
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PLANNING COMMITTEE MINUTES (Continued)

details shown on the site location plan and approved drawings 102C and 105D, and specification contained therein, submitted on 12th September 2018. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029; and

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

100. W/18/1729 - 35 Greville Smith Avenue, Whitnash

The Committee considered an application from Mrs J Robbins for rendering of existing house and erection of a single storey side and rear extension in matching render.

This application was presented to Committee as the applicant was an employee of Warwick District Council.

The officer was of the opinion that, for the reasons set out in the report, the proposed development was considered to be acceptable in terms of design and amenity.

An addendum circulated at the meeting advised of a further consultation response – there were no objections from Whitnash Town Council.

Following consideration of the report, presentation and the information contained in the addendum, it was proposed by Councillor Mrs Bunker and seconded by Councillor Ashford that the application should be granted, subject to the conditions in the report.

The Committee therefore

Resolved that W/18/1729 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).; and
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing 17/46-02 A, and

PLANNING COMMITTEE MINUTES (Continued)

specification contained therein, submitted on 06th September 2018. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

101. W/17/2398 - Red Lane, Burton Green, Kenilworth

The Committee considered an application from Ms C Wall for the construction of a new Village Hall for Burton Green.

The construction of a new village included car park, boules pitch and outside recreation area. This would replace the existing hall which was due for demolition to make way for the construction of the high speed railway HS2. For this reason the site was included in the High Speed Rail (London – West Midlands) Act 2017.

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

The officer was of the opinion that the applicants had demonstrated unique and very special circumstances for the location of this development within the Green Belt. The proposal was therefore considered acceptable in principle and was considered an appropriate form of development for the site. The proposal would also respect the character of the local area and its design and layout would not have an adverse impact on neighbours' amenity sufficient to warrant refusal. Matters of access, car parking, landscaping and the impact on archaeological potential were considered acceptable, subject to conditions. For these reasons, Officers recommended that planning permission was granted.

An addendum circulated at the meeting advised of further responses from Councillor Illingworth and Councillor Coker expressing their support for the application. An extra condition was recommended by the Environmental Health Officer requiring that all windows and doors be kept shut in order to contain noise after 11.pm.

Following consideration of the report and presentation and the information contained in the addendum, it was proposed by Councillor Mrs Bunker and seconded by Councillor Ashford that the application should be granted, subject to the conditions in the report.

The Committee therefore

Resolved that W/17/2398 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

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

PLANNING COMMITTEE MINUTES (Continued)

- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 3131/03D, 3131/04, 3131/05, 3131/06, LEHE 24-001, Impact Acoustics Assessment Report and specification contained therein, submitted on 1st August 2018, 21st December 2017, 2nd August 2018 and November 2017 respectively. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;
- (3) other than site clearance and preparation works no works shall commence on the construction of the development hereby permitted until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;
- (4) no development shall take place within the application site, unless and until:
 - (a) a programme of archaeological works and investigations has been secured and initiated in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority;
 - (b) the programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI has been undertaken and a report detailing the results of this fieldwork shall be submitted to the planning authority; and
 - c) an Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) has been submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.

PLANNING COMMITTEE MINUTES (Continued)

The development, and any archaeological fieldwork post-excavation analysis, publication of results and archive deposition detailed in the Mitigation Strategy document, shall be undertaken in accordance with the approved Mitigation Strategy document.

Reason: In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical developments are recorded, preserved and protected where applicable, before development commences in accordance with Policy HE4 of the Warwick District Local Plan 2011-2029;

- (5) the development hereby permitted shall not commence until details of the acoustic fence and earth bund have been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be occupied until the fence and bund have been installed in strict accordance with the approved details. The fence and bund shall be retained 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;
- (6) prior to commencement of the development a scheme for the proper disposal of foul sewage from the site shall be submitted to and agreed in writing with the Local Planning Authority. **Reason:** To ensure that the proposal is built in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;
- (7) the development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Low Emission Strategy Guidance for Developers (April 2014) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan;
- (8) the development hereby permitted shall only be undertaken in strict accordance with drainage details, incorporating a Sustainable

PLANNING COMMITTEE MINUTES (Continued)

Drainage System (SUDS) and responding to the hydrological conditions (soil permeability, watercourses etc) within the application site, including a long term management and maintenance plan, which shall have been submitted to and approved in writing by the local planning authority. The scheme shall include:

i) Cross-sections of the swale or permeable paving features have been provided to demonstrate design in accordance with CIRIA C753, The SuDs manual.

ii) Demonstrate the performance of any drainage for a range of return periods up to the 1 in 100 year plus climate change event

iii) Demonstrate that consideration has been given to any exceedance flow and overland flow routing.

iv) Evidence for the ongoing management and maintenance of any drainage features for the lifetime of the development.

The approved systems shall thereafter be retained and shall be managed and maintained in strict accordance with the approved details.

Reason: To ensure that a satisfactory means of drainage is provided such as to minimise flooding and which promotes and maintains the good stewardship of the natural and built environment in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029;

- (9) the development shall not be occupied until:
- (a) a scheme has been submitted to and approved by the Local Planning Authority in consultation with the Highway Authority to improve public highway C15 D Red Lane by means of providing an uncontrolled pedestrian crossing facility linking to the footpath on the opposite side of Red lane from the proposal; and

- (b) the pedestrian crossing approved under (a) has been installed in strict accordance with the approved details.

Reason: In the interests of vehicular and pedestrian safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;

- (10) the development shall not be occupied until
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PLANNING COMMITTEE MINUTES (Continued)

visibility splays have been provided to the vehicular access to the site measuring 2.4 x 120m to the east and 2.4 x 150m to the junction of Red Lane and Cromwell Lane to the west in strict accordance with submitted drawing 19405-02 (appendix D of the transport statement). No structure, tree or shrub shall be erected planted or retained within the splays exceeding or likely to exceed at maturity a height of 0.6 metres above the level of the public highway carriageway.

Reason: In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;

- (11) the development shall not be occupied until an access for vehicles has been provided to the site not less than 5.5 metres in width for a distance of 7.5 metres, as measured from the near edge of the public highway carriageway.

Reason: In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;

- (12) the access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a bound macadam material for a distance of 7.5 metres as measured from the near edge of the public highway carriageway. **Reason:** In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;

- (13) the access to the site for vehicles shall not be used unless a bellmouth has been laid out and constructed within the public highway in accordance with the standard specification of the Highway Authority. **Reason:** In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;

- (14) prior to occupation, a goal post style barrier for the vehicular access shall be installed in strict accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority. The barrier shall be retained at all times thereafter. **Reason:** To ensure that the proposal is built in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;

PLANNING COMMITTEE MINUTES (Continued)

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

Any combustion plant at the premises must be designed, installed and operated to avoid emission of smoke, dust, fumes or odours causing nuisance to neighbours. **Reason:** To protect the amenities of occupants of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;

- (16) no person shall use and no activity shall take place on any outside area of the site after before 0700 hours of after 2200 hours on any day. **Reason:** The outside recreation area is located near to residential properties and the local planning authority considers it necessary to strictly control the nature and intensity of use of this area in the interests of the amenities of the locality in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029; and

- (17) all windows and doors be kept shut to contain noise after 11.00 pm.

102. Urgent Item One – W/14/0967, Land North of Gallows Hill, Warwick

The Committee considered an application from Warwickshire County Council for the construction of a development of up to 425 residential dwellings (Use Class C3), medical centre, community hall, formal and informal green spaces, sports and recreation provision, structural landscaping, new roads, footpaths and cycle ways, site access and ancillary works (outline application including details of access).

Following consultation with the Chairman, it had been agreed to consider this item as urgent because the Original Agreement needed to be varied by 15 November 2018 when it was anticipated that Warwick District Council would complete the purchase of the land. It was not possible to put the matter before Committee prior to this date because negotiations between the parties regarding the detail of the variations had been on-going.

This application was presented to Committee due to the fact that it required various amendments to the Section 106 Agreement.

PLANNING COMMITTEE MINUTES (Continued)

The test to be applied when deciding whether to modify a Section 106 Agreement was whether the obligation would serve its purpose “equally well” as modified. It was considered that the proposed changes to the Section 106 Agreement were in accordance with the Council’s policies and served the planning purposes equally as well as the original version. Therefore it was considered that this test was satisfied.

The Original Agreement would be varied to reflect the negotiations that had taken place between the parties and to attribute the obligations proportionately. Two alternative variation agreements had been drafted: The Attribution Version (the “AV”) would have effect if both Waterloo Housing Group and Warwick District Council proceeded with the planned purchases. The Rectification Version (the “RV”) would have effect if the purchases did not proceed or if only one purchase proceeded.

The Committee received clarification on a number of the points from the Legal Officer and noted that this was predominantly a technical issue. Following consideration of the report and presentation, it was proposed by Councillor Ashford and seconded by Councillor Day that the application should be granted in accordance with the recommendations in the report.

The Committee therefore

Resolved that the two alternative variations of the Original Agreement on planning permission W/14 /0967, be **approved** in accordance with the recommendations in the report as follows:

(1) Rectification Version

- that the variation approved at paragraph 1.2 above is amended so that the land intended for the community stadium (the “Community Stadium Land”) is safeguarded for a period of three years from 30 June 2018 instead of 3 years from the date of varied Section 106 Agreement;
- that the variation also reflects the fact that the parties have agreed that the Community Stadium Land shall also include the Community Hall and GP Facility (the size of the safeguarded Community Stadium Land has accordingly been increased to 3.7 ha);
- commencement of development will not be blocked pending transfer of the Off-site Open Space (the agreement will still require early transfer but this will be an obligation affecting only WCC and WDC and not the buyer of the County Council’s residual land);

PLANNING COMMITTEE MINUTES (Continued)

- the formula for the Biodiversity Offsetting Contribution may be varied to recognise the contribution to biodiversity to be made on the Off-site Open Space; and
- that the obligation for WCC to appropriate the Education Land for Education Purposes within 6 months of the commencement of the development is removed; and

(2) Attribution Version

- that, contrary to paragraph 2.3 in the report, the variation does not include step in rights to enable the District Council to construct the Spine Road, install servicing and recover costs. It has now been agreed that these rights will be included in the sale agreement between the District Council and the County Council;
- that the agreement is varied so that the owner of the land to be purchased by Waterloo Housing Group is obligated to construct the Spine Road and provide servicing within a certain timescale;
- commencement of development will not be blocked pending transfer of the Off-site Open Space (the agreement will still require early transfer but this will be an obligation affecting only WCC and WDC and not WHG);
- That the obligation for WCC to appropriate the Education Land for Education Purposes within 6 months of the commencement of the development is removed; and
- the formula for the Biodiversity Offsetting Contribution may be varied to recognise the contribution to biodiversity to be made on the Off-site Open Space.

103. Urgent Item Two – W/17 /2357 - Land to the South of Westwood Heath Road, Burton Green, Coventry

The Committee considered an application from Crest Nicholson Operation Limited for the construction of a 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

PLANNING COMMITTEE MINUTES (Continued)

associated work together with means of access onto Westwood Heath Road and agricultural access onto Bockendon Lane.

Following agreement with the Chairman, it had been agreed to consider this item as urgent because the Section 106 Agreement was close to completion and the length of time involved in waiting to the next Planning meeting would further delay the completion of the agreement and the issuing of the decision.

This application was presented to Committee due to the fact that it required a proposed amendment to the Section 106 Agreement.

The test to be applied when deciding whether to modify a Section 106 Agreement was whether the obligation would serve its purpose "equally well" as modified. It was considered in this instance that since nothing previously agreed was proposed to be varied and instead the change involved only the addition of one financial contribution, the proposed change to the Section 106 Agreement was in accordance with the Council's policies and served the planning purposes equally as well as the original version. Therefore it was considered that this test was satisfied.

The proposed variation to the terms of the Agreement was the inclusion of one additional obligation on the developer, specifically, an additional financial contribution, requested by the Place Partnership Limited (PPL), which managed the combined estates of Warwickshire Police (WP) and West Mercia Police (WMP). WP and WMP acted as one on all infrastructure and town planning related matters across their combined geographical areas and this included making joint representations through PPL to local planning authorities. It was important to clarify, however, that the two forces retained their separate Police and Crime Commissioners and respective command teams.

The request from the Police was a financial contribution of £97,415 which was sought to mitigate the additional impacts of the proposed development. The necessary justification had been provided to substantiate the amount requested, it was directly related to the development and the request was related to the scale and kind of the application development.

The Legal Officer addressed Members and advised that the applicant was requesting an addition to the S106 agreement and none of the previous details had been changed.

Following consideration of the report and presentation, it was proposed by Councillor Heath and seconded by Councillor Ashford that the application should be granted in accordance with the recommendations in the report.

The Committee therefore

Resolved that the proposed addition to the content of the Section 106 agreement, on planning permission W/17 /2357, which entails the inclusion of one additional obligation be **approved** in accordance with the recommendations in the report.

PLANNING COMMITTEE MINUTES (Continued)

104. Planning Appeals Report

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

Resolved that the report be noted.

(The meeting ended at 6.48 pm)

CHAIRMAN
6 November 2018

Application No: [W / 18 / 0606](#)

Town/Parish Council: Bishops Tachbrook
Case Officer: Dan Charles

Registration Date: 26/03/18

Expiry Date: 25/06/18

01926 456527 dan.charles@warwickdc.gov.uk

Land at the Triangle, Lower Heathcote Farm, Warwick

Outline application for up to 150 dwellings (including 40% affordable), and public open space. Access provided from consented Lower Heathcote Farm development, all other matters are reserved for future determination. FOR
Gallagher Estates Ltd

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

RECOMMENDATION

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

Should a satisfactory Section 106 Agreement not have been completed by 7 January 2019, Planning Committee are recommended to delegate authority to the Head of Development Services to REFUSE planning permission on the grounds that the proposal makes inadequate provision in respect of the issues the subject of that agreement.

DETAILS OF THE DEVELOPMENT

The proposal is for an outline application for up to 150 dwellings with all matters reserved other than access.

Access to be created as a continuation of the existing spine road forming part of the wider development site.

It is proposed to provide 40% of the dwellings as affordable units.
The remaining matters would be reserved for a separate submission.

THE SITE AND ITS LOCATION

The site forms part of the wider H02 Housing Allocation.

The site is a roughly triangular parcel of land that is flanked to the north by the ongoing housing development. To the east lies the disused sewage treatment works that also forms part of the housing allocation site. To the south and west is the area of open land allocated for use as a country park.

The site is open parcel of grassland. The boundaries of the site to the east, south and west are made up of hedgerows.

PLANNING HISTORY

Lower Heathcote Farm

W/14/0661 - Residential development up to a maximum of 785 dwellings; Provision of three points of access - one from Europa Way and two access points onto Harbury Lane; A mixed use community hub/local centre to include retail development (Class A1 to A5 inclusive) and community buildings (Class D1); Potential provision of a primary school; Comprehensive green infrastructure, continuous open space network and multi-functional open space, including children's play space, potential open space for sport, informal open space and SUDS; Potential provision of allotments; Potential footpaths and cycle ways; Foul and surface water drainage infrastructure, including attenuation ponds; Ancillary infrastructure and ground remodelling. (Outline application including details of access) – **GRANTED 19.09.2014**

W/15/1473 – Submission of all reserved matters as required by Condition 1 (in part, insofar as they relate to Phase 2B only- 435no. dwellings); imposed on planning permission reference W/14/0661 granted on the 19th September 2014 for residential development up to a maximum of 785 dwellings – **GRANTED 23.12.2015**

W/15/1740 – Submission of reserved matters (layout, scale and appearance) as required by Condition 1 (in part, insofar as they relate to infrastructure works - main spine roads, attenuation ponds, drainage and services); imposed on planning permission reference W/14/0661 granted on the 19th September 2014 for residential development up to a maximum of 785 dwellings – **GRANTED 22.01.2016**

W/15/1862 - Submission of all reserved matters as required by condition 1 (in part, insofar as they relate to Phase 1B only- 350no. dwellings); imposed on outline planning permission ref: W/15/1452 granted on the 24th February 2016 for residential development up to a maximum of 785 dwellings – **GRANTED 18.03.2016**

Grove Farm (Oakley Grove)

W/14/0023 – Outline for residential development (approximately 200 dwellings) with new access onto Harbury Lane, land safeguarded for a new primary school, allotments, open space, local shop (A1 use up to 100 sqm gross), car parking and associated infrastructure: **GRANTED 29.05.2014**

W/14/1865 - Reserved matters application for the layout, scale and appearance of 90 dwellinghouses comprising one and two storey housing together with associated garages, parking facilities, infrastructure, landscaping and drainage, forming Phase 1 of the Grove Farm Harbury Lane development granted under outline planning permission W/14/0023: **GRANTED 08.05.2015**

W/15/0851 - Outline planning application for residential development for (approximately) 520 dwellings together with two new accesses onto Harbury Lane, land for Country Park, open space (including areas of formal and informal open space, allotments, structural landscaping and drainage works including surface water attenuation ponds as part of a Sustainable Drainage System),

demolition of existing buildings, car parking and associated infrastructure –
GRANTED 20.08.2015

W/15/1630 - Submission of reserved matter in respect of phase 1 landscaping for 90 dwelling houses comprising one and two storey housing together with associated garages, parking facilities, infrastructure and drainage, forming Phase 1 of the Grove Farm Harbury Lane development granted under outline planning permission W/14/0023 – **GRANTED 22.07.2016**

W/16/2356 - Reserved matters application for the appearance, layout, landscaping and scale of the infrastructure works (principally drainage pond, drainage routes, public open space and roads and footpaths, and hereinafter referred to as Oakley Grove Phase 2A) pursuant to condition 1 of previously approved outline application ref: W/15/0851 – GRANTED 20.06.2017

W/17/0039 – Reserved matters application for the layout, landscaping, scale and appearance of 130 dwelling houses comprising 1.5, 2 and 2.5 storey housing together with associated garages, parking facilities, landscaping, infrastructure and drainage, forming Phase 1B of the Oakley Grove Harbury Lane development granted under outline planning permission W/14/0023 – GRANTED 24.05.2017

W/17/0438 - Application for Reserved Matters pursuant to condition 1 of planning permission ref: W/15/0851 for details of appearance, landscaping, layout and scale of 194 dwellings together with associated highway infrastructure, footpaths, parking and open spaces with children's play area, constituting Phase 2b and pursuant to previously approved outline application ref: W/15/0851 – **GRANTED 13.06.2017**

W/17/0690 – Reserved matters application for the appearance, landscaping, layout and scale of 208 dwellings forming Phase 2c of the Oakley Grove Harbury Lane development, pursuant to previously approved outline application ref: W/15/0851 – GRANTED 28.07.2017

W/18/1431 - Application for Reserved Matters pursuant to condition 1 of planning permission ref: W/15/0851 for details of access, appearance, landscaping, layout and scale of 108 dwellings together with associated highway infrastructure, footpaths, parking and open spaces with children's play area, constituting Phase 2d – **PENDING CONSIDERATION**

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- DS1 - Supporting Prosperity (Warwick District Local Plan 2011-2029)
- DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029)
- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029)
- DS4 - Spatial Strategy (Warwick District Local Plan 2011-2029)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- DS6 - Level of Housing Growth (Warwick District Local Plan 2011-2029)

- DS7 - Meeting the Housing Requirement (Warwick District Local Plan 2011-2029)
- DS10 - Broad Location of Allocated Sites for Housing (Warwick District Local Plan 2011-2029)
- DS11 - Allocated Housing Sites (Warwick District Local Plan 2011-2029)
- DS15 - Comprehensive Development of Strategic Sites (Warwick District Local Plan 2011-2029)
- H0 - Housing (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- H2 - Affordable Housing (Warwick District Local Plan 2011-2029)
- H4 - Securing a Mix of Housing (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE2 - Developing Strategic Housing Sites (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029)
- TR2 - Traffic Generation (Warwick District Local Plan 2011-2029)
- TR3 - Transport Improvements (Warwick District Local Plan 2011-2029)
- TR4 - Parking (Warwick District Local Plan 2011-2029)
- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- HS6 - Creating Healthy Communities (Warwick District Local Plan 2011-2029)
- HS7 - Crime Prevention (Warwick District Local Plan 2011-2029)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029)
- CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)
- FW3 - Water Conservation (Warwick District Local Plan 2011-2029)
- FW4 - Water Supply (Warwick District Local Plan 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- HE4 - Protecting Historic Parks and Gardens (Warwick District Local Plan 2011-2029)
- HE6 - Archaeology (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- W1 - Waste Core Strategy (Warwick District Local Plan 2011-2029)
- DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Warwickshire Landscape Guidelines SPG
- Garden Towns, Villages and Suburbs - A prospectus for Warwick District Council (Consultation document - May 2012)
- Development Management Policy Guidance: Achieving a Mix of Market Housing on new Development Sites (Agreed by Executive - 19th June 2013)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- LES - Low Emission Strategy Guidance for Developers (April 2014)
- Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

Bishops Tachbrook Parish Council: Objection. The Parish Council can see no justification for granting this application as it exceeds the remaining housing allocation for H02 by 87.5% and these would be in the wrong place to meet DS4 Spatial Strategy policy, requires a further diminution of the area that is designated Country Park due to the Suds pool that should be within the development site and would increase the current overprovision of dwelling sites to 2,325 more than the 16,776 (14%) assessed housing need, without reassessing the environmental and sustainability implications of the Local Plan. Consequently the application is not in accordance with the Development Plan without any material considerations to indicate otherwise and therefore does not meet Sections 38(1) & (6) of the Planning & Compulsory Purchase Act 2004 and Section 70 (2) of the Town & Country Planning Act 1990.

Royal Leamington Spa Town Council: Have commented that they would expect that improvements to the infrastructure needed to support this development are in place to coincide with occupancy of the housing.

WDC Planning Policy: The application site forms part of the wider strategic allocation H02, for which several applications have been granted for other phases of development. As highlighted in the applicants planning statement, these previous applications coupled with the current application exceed the estimated quantum of housing for H02. However, it should be noted that the quantum of housing indicated at each allocation as part of Policy DS11 is an estimate, and that the number of dwellings on each site may vary as more detailed technical appraisals are conducted as part of putting together an application, as detailed in para 2.40. Therefore, as long as the additional dwellings and their impacts remain compliant with all other Local Plan policies, this additional volume is entirely acceptable in policy terms.

Warwickshire Fire and Rescue: No objection subject to condition to secure adequate fire hydrants and water supply for fire fighting purposes.

WDC Policy and Projects (Local Labour): Request a local labour requirement to be incorporated into the S106 Agreement.

WDC Environmental Protection: No objection subject to conditions regarding Air Quality Mitigation, Contaminated Land, Noise Mitigation and a Construction Management Plan.

WDC Conservation: Recommend that the development is considered in line with adjacent developments - lower density and amendments to the Design and Access Statement to reflect the design code of adjacent sites.

WDC Housing Strategy: Welcome the commitment to provide 40% affordable homes. The preferred requirements for the mixture of size, tenure and property type can be agreed at the time of submission.

WDC Sports and Leisure Officer: Recommend contributions to indoor and outdoor sports secured through the Section 106 Agreement.

WDC Open Space Officer: Two typologies of open space are provided on site, totalling 1.38ha, that accord with the design guidance for the area. All other types of green space will be provided within the Country Park subject to an

agreed financial contribution of £850,000. On this basis, recommend that this is secured through the Section 106 Agreement.

WCC Highways: Recommend that strategic transport modelling is carried out and the transport statement updated to demonstrate how the access arrangements have been considered and how the site will link into adjacent strategic sites. Following receipt of additional information, no objection is raised subject to conditions and financial contributions towards highways improvements.

WCC Ecology: Generally satisfied with survey work undertaken. Recommend conditions and notes to be added to any permission granted. Also recommend appropriate Biodiversity Offsetting and Skylark mitigation is secured through the Section 106 Agreement.

WCC Landscape: Consider insufficient landscaping information has been submitted with the application to integrate the development with the wider open countryside.

WCC Flood Risk Management: Following the receipt of additional information, no objection is raised to the proposal on drainage grounds subject to the imposition of a detailed surface water drainage scheme.

WCC Fire and Rescue: No objection subject to condition to secure appropriate water supplies and hydrants for firefighting purposes.

WCC Public Health: Have provided guidance for advice and recommendations for how good planning can encourage health, active and sustainable communities.

WCC Infrastructure: Request financial contributions of £11,250 for sustainable travel packs, £3,283 for libraries and £1,677,381 for Education and Learning.

NHS Clinical Commissioning Group: Recommend contribution of £59,045 towards doctor's surgery etc provision.

Warwickshire Police (Community Safety): Recommend that development proceeds in accordance with the Secured by Design (New Homes 2016) standards.

Warwickshire Police (Infrastructure): Recommend contribution of £32,639 towards additional policing demands as a result of the development.

ASSESSMENT

Principle of Development

Five Year Housing Land Supply

The most up to date Five Year Housing Land Supply (5YHLS) figures state that as of 1 April 2018, the District Planning Authority is able to demonstrate a 6.49 year Housing Land Supply.

Local Plan

The application site is identified within the Local Plan as a site for new housing development as part of the wider strategic urban extension to the south of Warwick and Leamington. The land forms part of the H02 allocation.

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

Policy DS11 sets out the allocations of housing development and gives an overall figure for each of the allocated sites. The overall allocation for new dwellings on the H02 Allocation within the Local Plan identified up to 1605 dwellings.

The land has been split into two areas known as Lower Heathcote Farm and Grove Farm (known as Oakley Grove). There have been a number of outline permissions granted for developments on the site for approximately 1505 dwellings.

Reserved Matters submissions across both sites result in a total 1515 dwellings. Therefore, taken into consideration with the overall allocation, a remaining balance of 90 dwellings remains when assessed against the allocation (excluding the sewage works site that has a separate allocation of up to 215 dwellings). This proposal for up to 150 dwellings would result in a total of 1665 dwellings on the site. This would result in an overprovision of dwellings across the strategic allocation of 60 dwellings. When considered as a percentage, this equates to an over-provision of approximately **3.8%**.

Consideration of the over-provision of housing numbers

The explanatory text to DS11 states that the sites were assessed against a number of criteria and an estimated figure for the number of dwellings for each site is shown. It also states that it is recognised that this figure may vary dependent on detailed planning at the application stage.

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

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

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

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

In essence, the additional 60 dwellings proposed on this site could be considered as a windfall insofar as they would be additional dwellings not identified within the allocation but capable of being satisfactorily assimilated onto the site which is located within a sustainable area.

The potential impact of seeking additional windfall sites for 60 dwellings within the District would be limited and would result in small, sporadic development. In such cases, where these developments came forward on sites of 10 or less units, there would be no requirement for the provision of 40% of the units to be affordable housing. This proposal therefore provides for an additional 24 affordable units, which might not otherwise come forward.

The scheme identified on the indicative Masterplan submitted for the site demonstrates that the site can accommodate the additional dwellings above the allocation onto the land without representing an overdevelopment of the site. The site as indicated shows areas of open space around the dwellings which provide a buffer zone between the built form and the site boundaries.

In addition, the proposed development provides for the provision of a strategic link through the site to link the Lower Heathcote Farm site to the Sewage Works site (a separate allocation for housing of up to 215 dwellings) which in turn will link into the Oakley Grove site to provide an improved spine road connectivity throughout the housing development allocated under H02.

Paragraph 140 of the Inspectors Final Report on the Local Plan stated that the former sewage treatment works and residual land adjacent to it form an important element linking the two main areas of development already committed and provide the opportunity to develop the overall site comprehensively, including facilitating a spine road, thus making an important contribution to housing land supply.

The location of this application site allows the creation of this strategic link. In order to ensure that the appropriate link is delivered to the Sewage Works site, the outline planning permission would be subject to a condition/obligation to deliver the spine road up to the very boundary of the site with the sewage works to prevent the creation of a ransom strip. This would then allow for connection to the adjacent land parcel without any undue complication.

The additional dwellings located on this site would not place undue pressure on local infrastructure. No objections have been raised from statutory consultees that the additional pressure would not be able to be mitigated for. Appropriate contributions have been sought to mitigate the additional households in terms of education and provision of healthcare etc.

The proposal has been submitted with an Air Quality Statement that demonstrates that the level of dwellings proposed would not result in harm to Air Quality and the impact remains as negligible and can be appropriately mitigated for.

Overall, Officers consider that the site is located in a sustainable area and the additional 60 dwellings would not result in an overprovision that would be

detrimental to the overall strategy of the plan. The additional units would also provide additional affordable homes for the District when compared against smaller, individual development of sites which is considered to be of significant benefit for the scheme. Appropriate infrastructure can be delivered through contributions contained within the Section 106 Agreement to satisfactorily incorporate the additional requirements of the extra 60 dwellings proposed across this development site.

Assessment of the proposed housing provision

Paragraph 50 of the NPPF states that local planning authorities should plan for a mix of housing, based on current and demographic trends, market trends and the needs of different groups in the community. It goes on to state that local planning authorities should identify the size, type, tenure and range of housing that is required in different locations.

In accordance with these requirements, all development must accord with the Strategic Housing Market Assessment for Warwick District that requires a mix of housing sizes of 1, 2, 3 and 4+ bedroomed dwellings based upon the market assessment for the area.

The applicant has confirmed that a comprehensive mix of unit types will be proposed ranging from one bedroomed to four+ bedroomed houses, which can be controlled by a suitably worded condition to ensure that this is followed at reserved matters stage. An affordable housing allocation of 40% will be incorporated into the design and these dwellings will be integrated across the site.

The affordable housing would be secured by a Section 106 agreement to accord with Policy SC11.

Design

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

As part of the wider Lower Heathcote Farm development, a Design Code was approved that set certain standards for the new developments to ensure that the development comes forward with a coherent design ethos.

The current application has been submitted with a Design Code, submitted within the Design and Access Statement that follows the previous requirements as set out across the wider Lower Heathcote Farm site.

The submitted Design Code follows all of the parameters set out in the Design Code approved under the original outline application (W/14/0661). The overall density of development is proposed to mirror that already set on the wider site at between 35-45 dwellings per hectare. The indicative density as set out in the applicants Design and Access Statement would be approximately 41 dwellings per hectare. Officers are therefore satisfied that the development would satisfactorily correlate to the wider Lower Heathcote Farm site.

The final design of the scheme would be considered at Reserved Matters stage and it is at this stage, the proposal would be assessed against the requirement of the Design Code to ensure that the finished form of the development would be in keeping with the wider Lower Heathcote Farm development to provide a comprehensive development across the whole allocation.

Impact on visual amenity and the character of surrounding area

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

Views from outside the site are mitigated by existing mature boundary planting along the public highway known as Europa Way. In addition the site boundary is proposed to be retained and supplemented with additional planting where necessary to the south of the site, where it is adjacent to the proposed Country Park.

It is noted by Officers that the site will be read against the backdrop of further residential development on the parcel of land to the immediate north of the application site and this is an important consideration when considering the visual impact of this development. Moving forwards, the site would also be flanked by the residential development of the adjacent sewage works site that flanks the entire eastern boundary of the application site which would further aid the amalgamation of the site into the urban extension.

When viewed from within the site, the development would be seen as a natural continuation of the existing urban extension and would not be out of character or unacceptable development within the context of the site.

The scheme as identified on the indicative masterplan identifies areas of open space that form an integral element of the overall proposal. The result on the increased green spaces is a development that seeks to bolster the amount of tree planting within the site compared to the sparse level of planting currently within the site boundaries. The retention of appropriate areas of open green space within the development gives an overall feeling of a development site that is sensitive to the edge of the settlement with the country park and creates a more green and 'leafy' form of development that is appropriate for this location.

At this stage, it is acknowledged that the masterplan drawing is indicative only and the overall landscaping strategy for the site would be provided at reserved

matters stage. However, the indicative masterplan clearly demonstrates that the provision of a scheme for 150 dwellings would provide for appropriate areas of additional planting and green space within the site. Any proposed landscaping scheme would be subject to negotiation with the Landscape Officer to agree a suitable solution for the treatment of the site and this will be submitted as part of the reserved matters application.

The proposal also incorporates the provision of a Sustainable Drainage Pond to be located within the land allocated within the country park area. This would result in a reduced area of grassland associated with the country park due to the proposed pond. When considering this aspect, Officers note that the scheme involves the provision of an additional contribution of £850,000 to mitigate for the impact of the SUDS pond.

The contribution will be used to provide a range of enhancements to the Country Park to improve the quality of the parkland area. The contribution is also proposed to provide additional facilities such as youth recreation areas within the park to provide an area with greater potential to draw in future users without being detrimental to the overall design ethos of the park.

In addition, , the pond is proposed to be incorporated into the design of the overall country park and subject to the detailed design, has the potential to enhance the character and appearance of parkland area by providing a greater range of features within the park area for future users to appreciate

Overall, Officers are satisfied that subject to an appropriate scheme being brought forwards at Reserved Matters stage, the scheme would have an acceptable impact on the character of the area and wider

Impact on adjacent properties

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

The perimeter of the site predominantly abuts the area of land to be used as a country park where there would be no near neighbours that would be directly affected by the residential development of the site.

To the north of the site are the current dwellings being built as part of the wider strategic housing allocation. These dwellings are in the process of being constructed. As this development is outline only, there is no specific layout other than the indicative masterplan. Whilst this does not form the final layout of the scheme, it does satisfactorily demonstrate that appropriate separation distances can be provided between the development sites to provide an appropriate level of amenity for the occupiers of the dwellings on both sites.

The ample landscaping and public open space shown on indicative plans will assist in ensuring the new development provides a high quality residential environment. Such details will be considered in greater detail at the reserved matters stage.

As the application is outline only, no assessment is made of the potential future living conditions for occupants of the proposed dwellings and this will be considered at reserved matters stage.

Provision of an appropriate living environment for future occupants of the proposed development

The development provides a high quality environment which achieves the Council's design guidelines.

In terms of noise, the application has been submitted with a Noise Assessment that carried out a range of monitoring of noise sources that could affect future occupants in both the construction phase and occupation phase.

Following the assessment of the monitoring results, the report concludes that the impact during construction phase would be negligible subject to some site specific mitigation works.

The assessment also concludes that once the dwellings are occupied, the potential noise impact from noise sources (primarily the local highway network) would also be negligible subject to some mitigation incorporated into the design of the dwellings. This can be secured through planning conditions.

The amount of open space and landscaping proposed across the development would create an overall sense of spaciousness which would enhance the sense of place and overall amenity value for future residents. Officers are satisfied that the development accords with Policy BE3 of the Local Plan.

Highway Safety

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

The proposed development is to be served by a single access point that extends from the existing, approved housing development. This route will create a spine road through the development that will connect to the adjacent parcel of land at the former sewage works and beyond that the land at Oakley Grove.

The original response of the Highways Authority was one of objection on the grounds of a lack of strategic transport modelling and linkages with adjacent sites together with some site specific concerns about the internal layout. On this basis, the applicants reviewed the response and have submitted an updated Transport Assessment.

The Highways Authority has considered the updated transport assessment which provides an assessment of the site and the wider impact on the highways network for the proposed 150 dwellings. The report concludes that there would be no material impact as a result of the additional dwellings on the local highway network that cannot be satisfactorily mitigated for. On this basis, the Highways Officer has raised no objection to the proposals subject to conditions to secure the detail of the access into the site and contributions towards local

infrastructure improvement to mitigate the potential traffic increase as a result of the development together with improvements to pedestrian and cycle links on the Harbury Lane corridor.

Subject to the imposition of appropriate conditions and associated contributions, no objection is raised on highway safety grounds and the proposal is considered to comply with Policies TR1 and TR3 of the Local Plan.

Impact on Ecology/Protected Species

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

The County Ecologist has assessed the submitted ecological survey work and has undertaken a Biodiversity Impact Assessment (BIA). The biodiversity impact score has been calculated by the County Ecologist as resulting in a net biodiversity loss, which is contrary to NPPF.

The County Ecologist considers that some of the loss of Bio-diversity can potentially be offset through the design of the scheme at Reserved Matters stage subject to assurances that this will be implemented. Any residual loss of Bio-diversity as a result of this application can be appropriately mitigated through a Bio-diversity offsetting contribution. This can be secured and agreed through the Section 106 agreement.

In addition, the County Ecologist has also recommended that an area of land within the Country Park area is set aside for Skylark mitigation to offset the impact as a result of the development of this site. The most appropriate mechanism to secure this requirement is through a financial contribution secured within the Section 106 Agreement.

The Ecologist has also suggested a number of conditions to safeguard protected species and secure a suitable Construction and Environmental Management Plan; a Landscaping and Ecological Management Plan; tree protection measures; and a lighting scheme, together with explanatory notes regarding protected species.

Subject to the required obligations in the Section 106 and the imposition of the requested conditions, Officers are satisfied that the development is acceptable having regard to Policy NE3 of the Local Plan.

Other Matters

Drainage

Policies FW1 and FW2 seek to ensure that all new development reduces potential flood risk within the site and new major developments provide appropriate Sustainable Urban Drainage Systems to deal with surface water drainage associated with the development to prevent increased flood risk elsewhere.

In terms of surface water drainage, the site is within Flood Zone 1, and it is proposed to install a balancing pond located within the adjacent country park area to ensure run-off does not exceed existing green field rates plus allowance for

climate change. The Lead Local Flood Authority has raised no objection to the scheme, subject to detailed design to be secured by condition.

In terms of foul sewage, it is indicated that the dwellings are proposed to connect to the mains sewers in the local area. This would be subject to separate approvals with Severn Trent. It is appropriate to attach a condition seeking the details of the drainage to be submitted and approved.

Subject to the imposition of the requested conditions, no objection is raised in regard to drainage.

Trees and Hedgerows

The site is currently an open field with limited vegetation located within the site area other than on the boundaries.

A significant part of the proposal is to enhance the tree planting on the site as part of the development to create a softening effect to provide an appropriate environment for the new housing that will also mitigate the potential impact on the open countryside. This has the added benefit of significantly increasing the level of tree planting within the site and this is to be welcomed from both an aesthetic view point as well as a biodiversity view point.

The specific types of tree and final landscaping design will be subject to a further submission through the reserved matters but at this stage, the indicative masterplan submitted shows significant additional tree planting which is appropriate for this land.

Air Pollution

The application was submitted with an Air Quality Assessment together with a Sustainability Statement.

The Air Quality Assessment carried out a series of monitoring of existing conditions and then these were modelled with the future impacts of the development based upon accepted standards. The report concludes that there would be no material impact on Air Quality as a result of the development and the air quality standards would be well below the air quality objectives target.

The Sustainability Statement identifies a range of low-carbon and sustainable energy sources that can be incorporated within the final design subject to an assessment of the overall site conditions. These elements will also promote reductions in emissions from the site further aiding the reduction in emissions that could affect air quality in the area.

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

Appropriate mitigation measures such as electric vehicle (EV) recharging provision and other locally specific measures to be used to minimise and/or offset any emissions from new development can be secured by condition.

In addition to the above requirement, it is noted that contributions towards local infrastructure and public transport improvements have been requested by the Highways Authority in respect of this proposal. These contributions seek to assist in the provision of alternative forms of sustainable transport opportunities from the site to further seek to reduce the impact on air quality as a result of the scheme may also be considered an appropriate part of that approach.

Officers are satisfied that these are technical matters and the specific details can be secured by the requested condition so as to make the proposed development acceptable. The highways contributions would be secured through the Section 106 Agreement.

Archaeology

Policy HE4 of the Local Plan requires an appropriate evaluation of potential archaeological remains. Where a development has the potential to have an adverse effect on archaeological remains, mitigation would be required through an appropriate form of archaeological investigation.

The County Archaeologist has considered the proposal and noted that the earlier outline application assessed the archaeological potential of the site including this site. A range of evaluative archaeological fieldwork that included trial trenching was carried out across the site.

The results of the survey work and trial trenching were submitted in a report with the supporting information to the earlier application. In light of the results of the earlier trial trenching, the County Archaeologist has advised that no further archaeological investigation would be required with the proposed development.

Officers are therefore satisfied that the proposal is in accordance with Policy HE4 of the Local Plan.

Health and wellbeing

The site contains appropriate areas of open space for use by future occupants. The area of land set out for open space has been considered by the Open Space Officer who is satisfied with the open space provision within the site.

The original purpose of the site was identified at outline stage as informal open space. The area was not required to provide open space facilities to accommodate any shortfall of open space provision within the existing housing areas. The land was in essence, additional land above the requirements of the housing areas and not an essential element of green infrastructure. Certain elements were proposed on the land such as a Multi-Use Games Area, a play area and allotment space.

Additional open space areas are to be provided within the Country Park area as stated earlier in the report to improve the destination quality of the Parkland area. The proposal aims to mitigate for the offsetting of elements of open space

provision as set out above that were previously proposed for the land. This is in the form of an off-site contribution of £850,000 has been negotiated and secured by the Open Space team to improve the facilities within the adjacent country park.

In providing justification for these changes, the submitted Planning Statement sets out the background to the contribution and its purpose. This states;

"The outstanding obligations in respect of allotments and other forms of public open space that were originally planned to be delivered on the application site, will be covered through a financial contribution. The financial contribution is designed to be utilised to fund the provision of a range of recreational facilities within the Tachbrook Country Park, proposed to the south, to be specified within the S106 Agreement. These facilities are proposed to include allotments, a Multi-Use Games Area (MUGA), a destination children's play area, a kick about area for mini football, as well as linking footpaths and a car park. In addition, Gallagher Estates are also in agreement to paying the full contribution prior to the first occupation of any dwelling granted permission on this site, rather than at stages through the developments' progress. This will greatly assist the Local Authority in the comprehensive and timely delivery of these facilities."

The key element of change is the relocation of the proposed MUGA. This has the added benefit to future residents of being sited further away from residential properties which would reduce the potential for noise disturbance as a result of its use.

The final detail and form of the open space areas will be provided within the Reserved Matters submission for later consideration.

Warwickshire Police have raised no objection to the outline scheme subject to a financial contribution towards additional policing requirements for the area as a result of the additional dwellings.

The proposal has also been considered by the County Education Authority who are satisfied that the additional numbers of units will not result in undue pressure or strain on local schools, subject to an appropriate contribution to mitigate the additional demand placed on education as a result of the development.

In general terms it is proposed to ensure that the development follows Secured by Design principles through the imposition of an appropriate condition. This will assist in minimising the potential for crime and improve community safety for future residents.

Impact on local services

The proposed development of up to 150 dwellings would create significant additional demand for local services and to mitigate this, contributions towards community facilities would be required.

Negotiations into the levels of contributions are still ongoing and must be resolved to the satisfaction of the Local Planning Authority before a decision can be issued.

Having considered the available evidence, the contributions are considered to be in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010. A development of 150 dwellings on this site would have a material impact on or need for affordable housing, education, open space, health care, sports facilities, drainage, monitoring costs, and rights of way, employment/training for locals and highway matters.

This a particular issue given the cumulative impact that is expected from the substantial level of housing growth proposed across the District. It is reasonable to expect a development of this size to contribute towards the additional costs associated with meeting these increased demands. The relevant consultees are currently seeking to identify specific projects and locations where this money would be spent. Therefore it is considered that appropriate contributions are necessary to make the development acceptable in planning terms and subject to being directly related to the development, are fairly and reasonably related in scale and kind to the development (as required by Regulation 122).

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

Sustainable Travel Packs - £11,250.
Libraries - £3,283.
Education and Learning - £1,677,381.
Sustainable Transport Infrastructure - £140,000
Identified Junction Improvements - £400,000
NHS Clinical Commissioning Group - £59,045.
Warwickshire Police - £32,639.
Indoor Sports Facilities - £124,822.
Outdoor Sports Facilities - £10,683.
Contribution towards Country Park - £850,000

At the time of writing, further requests are currently outstanding regarding Hospital Provision and improvements to public rights of way. Where possible, these will be provided within the update sheet.

Additionally, the Section 106 Agreement will also secure the following;

40% Affordable Housing
Appropriate mechanism for securing Biodiversity Offsetting Payments (as required)
Appropriate mechanism for securing Skylark Mitigation.
Adoption of Open Space Areas.
SUDS Maintenance.
Local Labour Agreement.
Monitoring Fee of 1% or £30,000 whichever is the lesser.

Conclusion

The site is allocated within the Local Plan for residential development as part of allocation H02. When taken into consideration with the extant planning permissions for 1515 dwellings across the site, the proposed number of dwellings would exceed the overall allocation of 1605 dwellings by 60 units which equates to approximately 3.8% above the overall allocation. The applicant

has demonstrated that the site is capable of accommodating a very high quality scheme at that level which is acceptable in overall terms including in respect of the integration of built development within the surrounding landscape and the site provides additional benefits in securing an appropriate highway linkage to the adjacent site to provide a comprehensive development across the overall allocation.

For the above reasons, Officers recommend that outline planning permission be granted subject to the conditions listed and the signing of a Section 106 Agreement.

CONDITIONS

- 1 Details of the appearance, landscaping, layout and scale of the development (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out in strict accordance with these reserved matters as approved.
REASON: To comply with Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2010 (as amended).
- 2 Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission. **REASON:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).
- 3 The development to which this permission relates shall begin within three years of the date of this permission or within two years of the final approval of the reserved matters, whichever is the later.
REASON: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).
- 4 No part of the development hereby permitted shall be commenced until a detailed access plan including details of the proposed alterations to the highway has been submitted to and approved in writing by the Local Planning Authority in consultation with the County Highways Department. Thereafter, the approved access shall be carried out in general accordance with the approved details prior to the first occupation of any dwellings constructed on the site. **REASON:** In the interest of highway safety and to ensure appropriate access is available for the future occupiers of the dwellings.
- 5 The Reserved Matters submission shall include details of the spine road extending up to and including the application site boundary to the east of the development where it meets the former sewage works land. The road shall be detailed as providing a carriageway in accordance with adoptable highway standards. **REASON:** To secure an appropriate linkage to the adjacent residential allocation to provide a comprehensive transport strategy for the development in accordance with Policy DS15 of the Warwick District Local Plan.
- 6 No development shall take place under any reserved matters consent until a construction phasing plan of the development has been submitted to and approved in writing by the Local Planning Authority.

Thereafter, the development shall be carried out in strict accordance with the phases established in the phasing plan as approved by the local planning authority. **REASON:** To ensure the proper phasing of the development.

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

- Illustrative details of how the proposed layout of development has been designed with due regard to the surrounding urban and rural context
- Land form topography as existing and proposed
- Land use plan and character areas (including densities and building heights)
- Movement corridors within the site (including principal roads, public transport corridors, footpaths, cycleways and green corridors) and demonstrating how these relate to existing movement networks in the wider area
- Location of any areas for off-street car parking areas and courts
- Key infrastructure (including SUDs, significant utility provision, schools, district/local centres)
- Landscape corridors and open space network
- Public open space
- Housing mix including tenure and size of dwelling
- Location of affordable housing
- Street tree planting and other structural planting landscape areas
- Hard and soft landscaping treatments
- Street lighting arrangements and any other lighting to public space
- A phasing plan including triggers for delivery of key elements of supporting infrastructure
- A statement establishing how the development proposals accord with the principles set out in the Site Wide Design Code.

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

- 8 No reserved matters application for any residential phase of the development shall be submitted until there has been submitted to and approved in writing by the Local Planning Authority a final Site Wide Design Code for the approved development. This Design Code shall be in accordance with the principles and parameters as set out within the DAS, the plans and documents listed in condition 4 above and "Garden Towns, Villages and Suburbs: A

Prospectus for Warwick District Council, May 2012" (and any subsequent revision and/or approved plans/strategy available at the time). The Design Code shall include the following matters:

- hierarchy of streets/routes/sections (including the extent of adoptable highways and associated areas)
- Development blocks including built form and massing and relationship with adjoining development areas/blocks including areas of transition between development parcels (including the relationship between built form and adjoining open space);
- Building types
- Building heights
- The means to accommodate the parking of vehicles and cycles
- Sustainable Urban Drainage features
- Key spaces, open spaces and green features
- Architectural language and detailing
- Design principles for street tree planting and other structural planting landscaping areas
- Design principles on hard and soft landscaping treatments (including surfacing materials for all public realm) and proposals for their long term management
- Design principles on waste disposal and recycling
- Design principles on the colour and texture of external materials and facing finishes for roofing and walls of buildings and structures
- Design principles for street lighting and any other lighting to public space (including parking areas)
- The principles shall include a regulating plan on an ordnance survey base at a scale no greater than 1:1250
- A mechanism for periodic review and refinement if necessary of the approved Design Code

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

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

- 9 The development hereby permitted shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the District Planning Authority. The CEMP needs to be compliant with the British Standard on Biodiversity BS 42020:2013 published in August 2013. In discharging this condition the LPA expect to see details concerning pre-commencement checks and monitoring for protected and notable species, and habitats as deemed appropriate. In addition appropriate working practices and safeguards for other wildlife dependent of further survey work, that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full. **REASON:** To ensure that protected species are

not harmed by the development in accordance with National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Saved Policy NE2 of the Warwick District Local Plan 2011-2029.

- 10 The development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as the pond, wildflower grasslands; provision of habitat for protected species. The plan should also include details on soil management to make best use of the high quality soils on site -detailed guidance to inform this matter is available in Defra '*Construction Code of Practice for the Sustainable Use of Soils on Construction Sites*'. Such approved measures shall thereafter be implemented in full. **REASON:** To enhance biodiversity in accordance with NPPF.
- 11 The development hereby permitted shall not commence until: -
- 1(a) A site investigation has been designed for the site using the information obtained from the desk-top study and any diagrammatical representations (conceptual model). This must be submitted to and approved in writing by the local planning authority prior to that investigation being carried out. The investigation must be comprehensive enough to enable:
 - A risk assessment to be undertaken relating to human health;
 - A risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected;
 - An appropriate gas risk assessment to be undertaken;
 - Refinement of the conceptual model;
 - The development of a method statement detailing the remediation requirements.
 - (b) The site investigation has been undertaken in accordance with details approved by the local planning authority and a risk assessment has been undertaken.
 - (c) A method statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters using the information obtained from the site investigation, has been submitted to the local planning authority. The method statement shall include details of how the remediation works will be validated upon completion and shall be approved in writing by the local planning authority prior to the remediation being carried out on the site.
2. All development of the site shall accord with the approved method statement.
3. If during development, contamination not previously identified, is found to be present at the site then no further development shall take place (unless otherwise agreed in writing with the local planning authority for an addendum to the method statement). This addendum to the method statement must detail how this unsuspected contamination shall be deal with.

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

REASON: To safeguard health, safety and the environment in accordance with Policies NE4 and NE5 of the Warwick District Local Plan 2011-2029.

- 12 The development hereby permitted shall not commence until a scheme of mitigation including detailed arrangements to protect residents of the development from excessive traffic noise entering habitable rooms and the provision of quiet garden areas shielded from road noise shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details and shall be retained thereafter. **REASON:** To protect residents of the development from the adverse effects of traffic noise from outside the development in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

- 13 No part of the development (including any works of demolition) hereby permitted shall commence until a construction method statement has been submitted to and approved in writing by the local planning authority in consultation with the County Highways Authority. Thereafter, the approved statement shall be strictly adhered to throughout the construction period. The submitted statement shall provide for:

- A construction phasing plan.
- An HGV routing plan.
- Any temporary measures required to manage traffic during construction
- Plans and details of haul roads within the site and for the turning and unloading and loading of vehicles within the site during construction
- Dust management and suppression measures – level of mitigation determined using IAQM guidance
- Wheel washing
- Noise assessment and mitigation method statements for the construction activities; in accordance with provisions of BS 5228:2009 Code of practice for noise and vibration control on construction and open sites – Part 1 and 2
- Concrete crusher if required or alternative procedure
- Delivery times and site working hours
- Site lighting
- Access and protection arrangements around the site for pedestrians, cyclists and other road users
- Restrictions on burning and details of all temporary contractors buildings

- Plant and storage of materials associated with the development process
- External safety and information signing notices
- Complaints procedures, including complaints response procedures and dedicated points of contact
- Best practicable means shall be employed at all times to control noise and dust on the site including:
 - Work which is likely to give rise to noise nuisance be restricted to the following hours: Mon-Fri 7.30 am - 5 pm, Sat 7.30 am - 1pm. No working Sundays or Bank Holidays.
 - Delivery vehicles should not be allowed to arrive on site between 7:30am and 9:15am and 4.30pm and 6:00pm Mon – Fri.

The measures indicated within the Construction Management Plan shall be implemented prior to the commencement of the development and maintained for the duration of the works, unless otherwise agreed in writing by the local planning authority. **REASON:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1, TR4 and NE5 of the Warwick District Local Plan 2011-2029.

- 14 No residential phase of the development shall take place unless and until a Low Emission Strategy has been submitted to and approved in writing by the local planning authority. The Low Emission Strategy shall thereafter be implemented in strict accordance with the approved details. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development, in accordance with Policy NE5 of the Warwick District Local Plan 2011-2029 and the aims and objectives of national guidance within the NPPF 2018.
- 15 No residential phase of the development shall take place under any reserved matters consent until a scheme for that reserved matters consent has been submitted to and approved in writing by the local planning authority indicating how and when mixed open space facilities will be incorporated into the development. The scheme shall be implemented in strict accordance with the approved details and shall be retained thereafter. **REASON:** To ensure appropriate open space and recreational facilities are provided to serve the development in accordance with Policy HS4 of the Warwick District Local Plan 2011-2029.
- 16 No development shall take place under any reserved matters consent until a scheme for that reserved matters consent has been submitted to and approved in writing by the local planning authority demonstrating that surface water runoff does not exceed runoff from the undeveloped site and does not increase the risk of flooding off-site. Post development runoff volumes and peak flow rates will be limited to the Greenfield discharge rate for all rainfall return periods up to and including the 100 year plus 30% (for climate change) as outlined within the Flood Risk Assessment. On-Site surface water attenuation will be provided to the

1:100 Climate change (30%) standard using Sustainable Urban Drainage Systems. The site drainage strategy will demonstrate the appropriate assessment and adoption of SUDS techniques. The approved systems shall thereafter be retained and shall be managed and maintained in strict accordance with the approved details. **REASON:** To ensure that a satisfactory means of drainage is provided such as to minimise flooding, which promotes and maintains the good stewardship of the natural and built environment in accordance with Policies FW1, FW2 and NE4 of the Warwick District Local Plan 2011-2029.

- 17 The development hereby permitted shall be carried out in strict accordance with details of surface and foul water drainage works that shall have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy FW2 of the Warwick District Local Plan 2011-2029.
- 18 No part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the District Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837: 2005, a Guide for Trees in relation to construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the grounds levels be altered or any excavation take place without the prior consent in writing of the District Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **Reason:** To protect trees and other features on site during construction in accordance with Policy NE4 of the Warwick District Local Plan 2011-2029
- 19 No development shall take place under any relevant phase of development until a detailed lighting scheme for that phase has been submitted to and agreed in writing by the local planning authority. In discharging this condition the local planning authority expects lighting to be restricted around the boundary edges, particularly along hedgerows, where protected species are likely to be found, and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife. This could be achieved in the following ways:
- a. low pressure sodium lamps should be used in preference to high pressure sodium or mercury lamps.
 - b. the brightness of lights should be as low as legally possible.
 - c. lighting should be timed to provide some dark periods.
 - d. connections to areas important for foraging should contain unlit stretches.

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

REASON: To ensure that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties and that appropriate measures are taken in relation to protected species in accordance with Policies BE3, NE2, NE4 and NE5 of the Warwick District Local Plan 2011-2029.

- 20 The development hereby permitted shall not be occupied unless and until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority and the approved scheme has been implemented in full in strict accordance with the approved details. **REASON:** In the interests of fire safety.
- 21 Any landscaping (other than the planting of trees and shrubs) including boundary treatment, paving and footpaths referred to in condition one shall be completed in all respects, with the exception of tree(s) and shrub(s) planting, within the first planting season following the first use of dwellings within that phase and the tree(s) and shrub(s) shall be planted within six months of that first use. Any tree(s) or shrub(s) removed, dying, or becoming in the opinion of the local planning authority seriously damaged, defective or diseased within five years from the substantial completion of the scheme shall be replaced within the next planting season by tree(s) or shrub(s) of similar size and species to those originally required to be planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.
- 22 The existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any tree(s) or shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with tree(s) and shrub(s) of such size and species details of which must be submitted to and approved by the local planning authority. All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces). **REASON:** To protect those trees and shrubs which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029.

- 23 The mix of type and size of market dwellings submitted as part of any reserved matters application must accord with the recommendations contained within the most up to date version of the "Development Management Policy Guidance : Achieving Mix of Market Housing on new Development Sites". **REASON:** To ensure that the housing meets the needs of the District as required by Local Plan Policy H4 of the Warwick District Local Plan 2011-2029 and the NPPF.
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Application No: [W / 18 / 0953](#)

Town/Parish Council: Wasperton

Case Officer: Debbie Prince

01926 456529 debbie.prince@warwickdc.gov.uk

Registration Date: 04/06/18

Expiry Date: 30/07/18

Holloway Farm, Wellesbourne Road, Wasperton, Warwick, CV35 8EA

Erection of a poly-tunnel for the production of hydroponically grown crops. FOR
Cadogan & Co

This application is being presented to Committee due to the number of comments in support that have been received.

RECOMMENDATION

Planning Committee are recommended to REFUSE planning permission on the grounds that the proposal will sterilise mineral resources identified as of particular importance.

DETAILS OF THE DEVELOPMENT

The proposal involves the erection of a large multi-span poly-tunnel covering 2.3 hectares (23,194 sqm) for salad crop production. Each span would be 8.8 wide by 4.5m to the eaves and 6m to the apex. A hydroponic system will be installed internally and no lighting is necessary. The tunnel will be covered in high density, transparent, thermal film and set 4m from the existing field boundaries.

THE SITE AND ITS LOCATION

Holloway Farm is a 214 hectare farm located to south of the village of Barford and to the east of the A429 Wellesbourne Road. The proposed polytunnels would be located adjacent to the A429, the existing polytunnels and the farmhouse which is Grade II Listed.

PLANNING HISTORY

There is no relevant planning history.

RELEVANT POLICIES

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenities (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)

- National Planning Policy Framework
- Policy M5 of the adopted Minerals Local Plan for Warwickshire 1995
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)

SUMMARY OF REPRESENTATIONS

Barford, Sherbourne & Wasperton Joint Parish Council: No objection.

Highways (WCC): No objection subject to a condition requiring the submission and approval of a Construction Management Plan.

Development Group (WCC): Objection on the grounds of Minerals Sterilisation.

Landscape (WCC): Has no objection to the amended scheme.

Ecology (WCC): Has no objection subject to conditions covering tree protection and CEMP.

CWLEP: Supports the scheme as it aligns with national and local policies to develop agriculture and food production across the CWLEP area.

Public Response:

1 letter of objection has been received on the grounds of adverse impact on Forge Cottage.

7 letters support the scheme on the grounds that the scheme will provide locally grown produce, local employment and training facilities, a sustainable source of plants and herbs for the pharmaceutical industry, and on the grounds that the scheme will prevent inappropriate development.

ASSESSMENT

Principle of Development

The proposal is for an agricultural building. Therefore it is acceptable in principle in this rural location. The building is required to support the economic growth of the existing working farm. The farm currently produces 528 acres (214 hectares) of arable cropping. The proposed poly-tunnels are required to diversify into hydroponically grown salads crops for the UK market.

Impact on character and appearance of the open countryside and neighbouring Listed properties

The comments from the occupier of Forge Cottage (which is a Listed Building) are noted. However, the structures would be located more than 27m away from that property. Furthermore, this distance also spans the very busy A429 and the buildings would also be screened by landscaping. Therefore, it is considered that the setting of the Cottage would not be significantly harmed.

The other neighbour is the farmhouse itself, which is also a Listed Building. As the proposed buildings are farm-related and normally seen in this context, I do not consider that they would have an adverse impact.

For the above reasons it has been concluded that the proposals comply with the requirements of Local Plan Policy HE1. In reaching this conclusion, regard has also been had to the requirements of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This imposes a duty to have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses.

Turning to the issue of landscape impact, as already mentioned above this type of building is a common sight in open countryside and would be further screened in a short while by the proposed landscaping scheme. There has been no objection from WCC Landscape and therefore it has been concluded that the landscape impact would be acceptable.

Highways

Although the applicant states that there will be no increase in vehicle movements, the Highway Authority would dispute this given the extension to the crop season. They are of the view that this would likely increase the number of vehicle movements over the year. However, they consider that the existing accesses on to the A429 are of a good standard and can accommodate large vehicle movements and the extra capacity necessary. Therefore they have no objection subject to a condition which requires the submission, approval and adherence to a Construction Management Plan.

Ecology

The risk to protected species and the habitat impacts are minimal and the scheme offers an opportunity for biodiversity gain. WCC Ecology, therefore, have no objection to the scheme subject to conditions covering tree protection and the submission and approval of a Construction and Environment Management Plan.

Minerals

The application site lies within the Minerals Safeguarding Area for sand and gravel which covers most of the Wasperton area. The site is also directly adjacent to a proposed site allocation for sand and gravel extraction in the emerging Warwickshire Minerals Plan (Site 4 Wasperton). Sand and gravel has been identified as a nationally and locally important mineral resource in Warwickshire.

Paragraph 205 of the NPPF states that, when determining planning applications, great weight should be given to the benefits of mineral extraction. Meanwhile, paragraph 206 states that "local planning authorities should not normally permit other development proposals in Minerals Safeguarding Areas if it might constrain potential future use for mineral working". Furthermore, Policy NE5 of the Warwick District Local Plan states that development proposals will be expected to demonstrate that they (amongst other requirements) do not sterilise mineral resources identified as of particular importance unless it can be demonstrated

that it would not be practicable and environmentally feasible to extract the identified mineral resource prior to development taking place.

The Minerals Planning Authority (Warwickshire County Council) have objected to the application on minerals sterilisation grounds. They have requested that the applicant provides further information including a minerals survey in order to demonstrate that:

- the mineral resource in this site is no longer of any value or potential value;
- it would be inappropriate to extract mineral resources at this location; or
- if the survey identifies viable mineral resource that it will be extracted prior to the development taking place.

However, none of this information has been provided. Consequently, the County Council consider it very likely that the development will constrain future use of the site for mineral working. Therefore they advise that the development should not be permitted unless the matters raised above have been addressed and the County Council is satisfied that the merits of the development outweigh the need for safeguarding.

The County Council also believe the proposed development would prejudice the allocation of the adjacent Site 4 in the emerging Warwickshire Minerals Plan because it would introduce potentially sensitive development in very close proximity to the proposed allocated site which would affect the site's deliverability. They point out it could have implications for the mineral site boundary (it may have to be redrawn), the size of the mineral site (in tonnage terms), how it was worked (direction, rate etc.) and restored and the ability to mitigate any potential impacts of working the site.

The applicant has been requested to provide a minerals survey to address the issues raised by the County Council. However, nothing has been submitted in this regard. Therefore, bearing in mind the importance that the NPPF, the Minerals Local Plan for Warwickshire and the Local Plan attach to the benefits of mineral extraction, it has been concluded that the proposals would be unacceptable as they would constrain the potential future use of the application site and adjacent land for mineral working.

Conclusion

The NPPF attaches "great weight to the benefits of mineral extraction". As this proposal has the potential to limit the scope of such development it would be contrary to national and local planning policy including Policy M5 of the Minerals Local Plan for Warwickshire, Policy NE5 of the Local Plan and paragraph 206 of the NPPF. This would outweigh any possible benefits of the scheme.

REFUSAL REASONS

- 1 The NPPF attaches "great weight to the benefits of mineral extraction". As this proposal has the potential to limit the scope of such development it would be contrary to national and local planning policy including Policy M5 of the Minerals Local Plan for Warwickshire, Policy NE5 of the Local Plan and paragraph 206 of the NPPF.

Application No: [W / 18 / 1551](#)

Town/Parish Council: Leamington Spa
Case Officer: Helena Obremski

Registration Date: 22/08/18
Expiry Date: 17/10/18

01926 456531 Helena.Obremski@warwickdc.gov.uk

Car Park, Archery Road, Leamington Spa

Proposed improvements to existing municipal car park, including new asphalt surfacing and increase to the parking area (and associated change of use of parkland to car park), new boundary treatments, lighting columns, CCTV, pay machines and formalised parking bays. FOR Warwick District Council

This application is being presented to Committee because Warwick District Council is the applicant and more than 5 letters of objection have been received.

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The application seeks planning permission for the formalisation of an existing municipal car park, including the marking out of parking bays, installation of lighting columns, CCTV and parking metres. The application form states that the existing car park contains 30 spaces and the proposed layout would accommodate 64 spaces. A new asphalt surface would be laid, which would increase the parking area slightly and the proposal includes the removal of some trees and vegetation from the western boundary adjacent to Victoria Park. Replacement planting is proposed.

The car park is proposed as part of the Council's car parking displacement strategy to provide additional parking when Covent Garden car park is closed for replacement. The applicant (Warwick District Council) has provided the following details which explain the context of the proposal:

In January 2019 a decision is to be made regarding the proposal to close and redevelop Covent Garden car park in Leamington Spa as part of a wider mixed use development on the site. If the approval is given for the redevelopment to progress the result will be a temporary loss of 468 car parking spaces from the town centre which will affect short and long-stay 'Pay-as-you-Go' users as well as season ticket holders and a displacement plan has been developed that seeks to address the potential matters arising from the redevelopment.

The displacement plan is being devised with consideration to the recently approved 'Leamington Vision Strategy' which sets out the priorities for developing and enhancing Leamington Town Centre in the short, medium and long-term. A draft version of the displacement plan is currently being reviewed

and commented on by an independent consultant. The current plan considers a number of ways in which the impact of the car park closure could be mitigated.

Developments to create additional parking capacity to help accommodate displaced long-stay 'Pay-As-You-Go' users and season ticket holders from Covent Garden car park are proposed for Archery Road, Princes Drive, Court Street and Station Approach (subject to planning permission). The sites at Archery Road, Princes Drive, Court Street and Station Approach are considered to be within an acceptable walking distance for those working in the town centre and visiting the town for a longer period of time based on IHT Guidelines for Providing Journeys by Foot.

The identified sites would be used for displacement parking whilst the new Covent Garden car park is redeveloped. However, in line with the objectives of the Leamington Vision Strategy, they would also offer long-term legacy benefits to the town as enhancements to the existing parking facilities at Victoria Park and in the Old Town.

The existing informal car park at Archery Road is noted to have high levels of seasonal use from park users and the proposal to widen the car park is seen as desirable in order to provide sufficient numbers of parking spaces to meet user demand in the short and long term. Whilst this necessitates the removal of the existing line of trees on the western boundary of the site, the planning application proposes to implement a scheme of soft landscaping and tree planting to address the potential loss of visual public amenity.

An extensive options appraisal of alternative potential parking options was undertaken prior to agreeing on the preferred sites for development. Full details of this are attached to the Executive report considered by Warwick District Council's Executive in February 2018.

In order to encourage commuter use of the peripheral car parks in the short-term it is proposed that Off-street car parks outside of the immediate Town Centre will be promoted as 'Park and Stride' locations. Cheaper parking fees and health and wellbeing messages will be used to incentivise the use of these car parks with long-stay car park users the primary target of the promotions.

During the displacement period free parking for up to 4 hours is being proposed for the car parks at Archery Road and Princes Drive giving consideration to park users and members of the bowls club who currently do not pay for parking at these sites. A £1 all-day tariff is proposed as an incentive to encourage long-stay parking users of the town centre to consider these car parks as an alternative to Covent Garden.

Upon reopening of the redeveloped car park at Covent Garden this charging regime will be reviewed to ensure priority parking at these sites is given to users of Victoria Park and its associated facilities.

THE SITE AND ITS LOCATION

The application site relates to an existing informal parking area and small section of the adjacent Victoria Park, a Grade II Registered Historic Park situated within the Royal Leamington Spa Conservation Area. The hardstanding is located to the eastern edge of the park and adjoining properties on Archery Road, Victoria

Road and Avenue Road. The access into this area is from Archery Road to the north.

Previous planning applications have stated that prior to 1994 the hardstanding area comprised of three in-line tennis courts with an access area, however the hardsurface had started to deteriorate for competitive play. The Council successfully secured funds to construct 10 new courts within the park which subsequently have had floodlighting added and are very popular.

The old three courts subsequently became established as informal car parking, which is frequently but inefficiently used for parking as it is not formally marked out.

RELEVANT PLANNING HISTORY

W/13/0827 - planning permission granted for the erection of low profile storage buildings and associated landscaping screen of mixed native shrubs.

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR2 - Traffic generation (Warwick Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029)
- HE4 - Archaeology (Warwick District Local Plan 2011-2029)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: Objection, loss of mature trees and lack of heritage assessment.

Matt Western MP: Objection:

- detrimental impact which town centre car parking displacement plan will have on users of Victoria Park and bowls club;
- the development could affect the reputation of Royal Leamington Spa being the 'Home of English Bowls' and affect the financial benefit which bowls brings to the District;
- the loss of trees will have a significant environmental impact and surfacing will effect drainage.

Councillor Quinney: Objection:

- the proposal will have a detrimental effect on accessibility and value of recreational open space and Bowls England, and may damage residents and economy;
- factual errors in assessing the existing capacity of the car park;
- financial cost;
- confusion over intended users;
- loss of amenity.

Councillor Barker: Objection:

- detrimental impact on park, particularly loss of trees and shrubbery;
- application should be for change of use.

Councillor Naimo: Objection:

- impact on residential amenity (car parking and congestion);
- loss of mature trees;
- lack of consideration of improvement of cycling provision;
- inadequate provision of spaces for displacement strategy.

Councillor Chilvers: Objection:

- loss of dark corridor between canal and river for bats;
- loss of trees (wildlife habitat) and loss of biodiversity;
- access arrangements are inadequate;
- other transport methods should be prioritised.

Councillor Knight: Objection:

- the increase in parking spaces is minimal and will not provide much room for displacement;
- there is no justification for cutting down the trees;
- local users of the car park will be displaced by commuters;
- disruption to local residents.

Historic England (Registered Parks and Gardens): No objection.

WCC Ecology: Requests additional information relating to lighting and a revised lux diagram, and conditions.

WCC Archeology: No objection.

WCC Highways: No objection.

WCC Landscape: Objection, the removal of trees will cause harm to the views from the Registered Park and Garden. There are no details regarding the protection of trees, hard landscaping, boundary treatments etc. The application does not provide evidence that the development will preserve or enhance the Conservation Area and Registered Park and Garden. Suggestion to amend layout.

WCC Flood Risk Management: Object due to insufficient information. (NB. Further comments are awaited from WCC Flood Risk Management following the receipt of further information from the applicant).

Tree Officer: No objection, subject to the development being carried out in accordance with the Arboricultural Impact Assessment and Method Statement.

Conservation Area Forum (CAF): No objection, recommends that any potential harm to the setting of the Registered Park and Garden or Conservation Area is mitigated by incorporating a landscaping scheme into the car park design.

Public Responses: 89 Objections:

- the car park will not be able to be used by visitors to the Victoria Park;
- a park and ride would be more appropriate on brownfield land;
- the proposals contain inaccurate information (lack of archaeological assessment; description of development should read as a change of use; the proposal does not increase the number of spaces within the car park; not all of the constraints are listed online / can be accessed);
- loss of trees (amenity value, impact on Registered Park and Garden, loss of biodiversity, increased pollution levels, currently act as a screen for the car park);
- parking will be restricted for the users of the nearby bowls club which could result in less use of the bowls club and detrimental financial impact on the District;
- detrimental impact on the Registered Park and Garden;
- there is no justification for the proposal and shoppers won't use the car park as it's too far out of town;
- detrimental ecological impact;
- the development is not needed;
- impact on surface water drainage;
- detrimental impact on the character of the area;
- the car park will only be used by rail commuters;
- more green travel options should be explored;
- the development is an unnecessary cost to tax payers;
- increased traffic with detrimental impact on local residents, park users and environment;
- there is no public transport near Victoria Park;
- the development does not promote healthier lifestyles and will reduce access to healthy spaces;
- detrimental impact on social cohesion;
- impact on inadequate access and highway safety;
- clarification needed on relationship between boundaries between car park and Victoria Park.

1 Support: this is an underused car park which isn't safe and the amendments will enhance the facilities.

Friends of Victoria Park: Objection:

- inaccurate information including existing capacity;
- the development conflicts with Local Plan policies HS1, HS2, HS5, HS6, HE4;
- impact on public safety;
- environmental damage;
- impact on users of Victoria Park;
- dangerous precedent to set if approved;
- not cost effective.

Management of Royal Leamington Spa Bowls Club: Objection:

- the proposal will have a detrimental impact on those wishing to use Victoria Park and the Bowling Green;
- the application contains inaccurate information (the description of development should be for a change of use, existing capacity of car park, number of staff to be employed);
- insufficient in providing car parking for displacement strategy;
- increased traffic along Archery Road with detrimental impact on residents, users of Archery Road and the environment;
- loss of trees;
- impact on surface water drainage.

Warwickshire Vice Presidents (bowling association): Objection, detrimental impact on bowling club users.

Tony Allcock (Bowls England): Objection, loss of parking for users of Victoria Park and Bowling Green.

Warwick Tree Warden: Objection: the removal of trees would have a detrimental impact on air quality and is against the ethos of Warwick District Council Local Plan to provide strong protection for valuable open space, sport and recreation. The net gain in spaces would only be between 5 to 10 spaces. The landscaping would be lost, causing more noise and disturbance. The proposal would have a detrimental impact on the bowls green.

ASSESSMENT

The main considerations in assessing this application are as follows:

- Design
- Impact on Heritage Assets
- Impact on Residential Amenity
- Parking and Highway Safety
- Ecological Impact and Trees
- Archaeological Impact
- Drainage
- Other Matters

Design

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

There have been objections that the proposal will appear out of keeping and would be harmful to the character of the area.

The proposed development would result in the formalisation of an existing car park. The associated infrastructure such as lighting columns and parking metres are not considered to appear out of keeping or harmful within this context. It is noted that there are higher floodlights adjacent to the site within the Registered Park and Garden which illuminate the nearby tennis courts. In this context, the design of the lighting columns is considered to be appropriate. The loss of existing trees which act as screening of the car park from Victoria Park has been mitigated with the inclusion of replanting, which can be secured by condition. The proposed development is therefore considered to have a minimal impact on the character and appearance of the area.

The proposal is therefore considered to be in accordance with the NPPF and Local Plan policy BE1.

Impact on Heritage Assets

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

Paragraph 193 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 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Policy HE1 of the Local Plan states that development will not be permitted if it would lead to substantial harm to the significance of a designated heritage asset. Where the development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal. The explanatory text for HE1 clarifies that in considering applications relating to Conservation Areas, the Council will require that proposals do not have a detrimental effect upon the integrity and character of the building or its setting, or the Conservation Area. Local Plan policy HE2 states that Historic Parks and Gardens are an important cultural, historical and environmental asset within the District and the Council wishes to ensure they are protected, maintained and restored. The Plan aims to protect them from development that would harm their character.

There have been a number of objections to the proposal owing to the detrimental impact on the setting of the adjacent Registered Park and Garden which is Grade II listed and the Conservation Area. Along the shared boundary are a number of trees which objectors state are important for the setting of the listed park and act as screening from the existing car park. Concern has been expressed regarding a lack of heritage assessment for the proposed development. However, a Heritage Statement was provided as part of the application, which neither the Conservation Officer or Historic England have raised concern over.

Historic England (Registered Parks and Gardens) have been consulted and have no objection to the proposal. Warwick Garden Trust and the Gardens Trust have been consulted, however, comments have not been forthcoming. The Conservation Area Forum has no objection to the application, noting that any potential harm to the setting of the Registered Park and Garden or Conservation Area should be mitigated by incorporating a landscaping scheme into the car park design. The Conservation Officer has commented on the application and has no objection to the scheme, subject to the provision of additional details in relation to the lighting columns and boundary treatments. The Conservation Officer has requested that the lighting columns are no more than 4 metres in height, and the applicant has confirmed that an amended drawing reflecting this will be submitted shortly. An update on this will be provided in the Addendum Report to Committee. Furthermore, the applicant has confirmed that the "Mesh Fence" shown on the drawing is the existing tennis court boundary, rather than a proposed boundary marker.

It should be noted that the formalisation and resurfacing of the existing car park, along with the installation of the parking meters does not require planning permission. The proposal also includes the extension of the car parking area into the Registered Park and Garden which requires permission, and the removal of trees and shrubs which currently act as a boundary between the car park and Victoria Park. Along the main section of the car park, this would extend into the park by 3.6 metres and at the entrance it would extend into the park by 8 metres at the widest point. Overall, the increase in size of the parking area is minimal in relative terms to the size of the car park and wider Victoria Park. Within the park, the area to be included as part of the car park is already treated with tarmac as this forms part of a footpath which runs alongside the car park. There would still be part of the footpath retained for pedestrians if the development was carried out.

There is currently a sense of separation between the car park and the landscaped parts of the Registered Park and Garden owing to the tennis courts which have been constructed next to the application site, which is still maintained as part of the proposal. The trees and shrubs which are to be removed as part of the proposal individually have little amenity value. However, as a tree line, they do have some value in relation to the setting of the park. Replacement planting is proposed which will mitigate this loss, and can recreate the boundary treatment which further separates the park and car park.

It is therefore considered that as the harm created from the loss of the trees can be mitigated by a replacement planting scheme which will be conditioned, and therefore, there would be no harm caused to the Conservation Area or listed Registered Park and Garden as a result of the proposal. The development is therefore considered to be in accordance with Local Plan policies HE1 and HE2, and the NPPF.

Impact on Neighbouring Residential Amenity

Warwick District Local Plan policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a responsibility for development not to cause undue

disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion.

There have been concerns raised that the proposed amendments to the car park would result in noise disturbance to local residents as a result of additional traffic. However, it is not considered that the addition of 34 spaces would have such a significant impact on neighbouring residential amenity as to warrant reason for refusal of the application. It is noted that the site is already in use as a car park and therefore, whilst there would be a potential intensification of the use, it is not considered that the intensification would generate significant additional noise or disturbance.

Objections have also raised concerns regarding potential for traffic congestion and the impact which this would have on amenity. The increase of 34 spaces is not considered to be so significant which would cause such a high volume of traffic as to warrant reason for refusal of the application.

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

Parking and Highway Safety

Objections have raised concerns regarding the intensification of the use of the access of the site. However, WCC Highways have assessed the application and have no objection to the proposal. WCC Highways also have no concerns regarding the parking spaces or layout. The proposal is therefore not considered to cause harm to highway safety.

Objectors have also stated that the existing car park already accommodates upto 60 spaces, rather than the stated 30. However, the Council can only consider the existing number of spaces in accordance with the relevant Vehicle Parking Standards guidelines, although it acknowledges that as the car park is currently informal, that visitors are likely to park in such a way that there could be more cars accommodated than the stated 30 within the application form. However, by formalising the car park, this will maximise the space whilst ensuring that proper access can be achieved for the spaces, thus ensuring access for all.

It is therefore considered that the proposal would provide adequate access arrangements and parking, and is in accordance with Local Plan policies TR1, TR2 and TR3.

Ecological Impact and Trees

Objections have expressed concern regarding the impact on protected species such as nesting birds and bats.

WCC Ecology have assessed the application and requested additional information relating to lighting and a revised lux diagram, and conditions. At present, negotiations are ongoing between the Ecologists employed by the Council and WCC Ecology regarding an appropriate resolution. A bat survey has been requested by WCC Ecology which is being obtained. Officers are confident that a mutually-acceptable solution can be found and Planning Committee will be updated on this matter prior to the meeting.

The proposal would result in the loss of trees and vegetation to the western boundary of the application site. Objections regarding the proposal have expressed significant concerns regarding the loss of mature trees and the potential for increased levels of pollution.

Officers recognise that the trees have protected status because of their location within the Conservation Area. As a group, the trees have some value because of the boundary and screening they create between the car park and Victoria Park. However, individually, the trees have little amenity value. Therefore Officers have no objection to their removal in principle, subject to a suitable replanting scheme. In order to mitigate the harm caused by the loss of these trees, a replanting scheme is proposed which will reintroduce planting along the boundary between the site and the park which will be secured by condition. Although it is recognised that it will take time to become established, this will provide adequate screening and will be maintained by the Council.

The Council's Tree Officer had raised queries in relation to the tree protection measures proposed as part of the application for the remaining trees. An updated Arboricultural Method Statement has been provided, and the Tree Officer has confirmed that subject to the development being carried out in accordance with the details provided, he has no objection to the proposed development. A condition will be attached to ensure this.

Concern has been expressed that the loss of trees will increase levels of pollution, however, as a replanting scheme is proposed, it is not considered that the development would have such a detrimental on levels of pollution which would warrant reason for refusal of the application.

Subject to confirmation that WCC Ecology are satisfied with the additional information to be provided, the development is considered to be in accordance with Local Plan policy NE2 and the NPPF.

Archaeological Impact

Objections have raised concerns regarding the need for an archaeological assessment as the site lies within close proximity of the Registered Park and Garden. However, WCC Archaeology have been consulted and confirm that no investigation works are required.

WCC Archaeology recommended that a heritage assessment was made and this has been provided and deemed satisfactory by the Conservation Officer. The development is therefore considered to be in accordance with Local Plan policy HE4.

Drainage

The application site is located within Flood Zone 1, however, the development does include the installation of a large area of hardstanding. Drainage channels are proposed in order to deal with any additional surface water run-off as a result of the increase in hardstanding. Objections raise concerns regarding the potential for increased surface water run-off.

The Local Lead Flood Authority have been consulted on the proposal and have objected to the development on the basis of a lack of information. The applicant has submitted additional details in reference to this matter which have been sent to WCC LLFA. Planning Committee will be updated on this matter prior to the meeting.

Other Matters

Concern has been expressed regarding the potential for the proposed development to reduce the availability of car parking spaces for visitors to Victoria Park and the bowling green. It has been stated that this could lead to less visitors as commuters would be likely to use the car park, which could have detrimental impact on the local economy and reputation of Leamington Spa as the 'Home of English Bowls', and that this also does not promote access to healthy, recreational spaces.

It is recognised that Archery Road car park is the closest car park to the bowls green and Victoria Park. The car park will be promoted for use as part of the displacement plan, and also for commuters as the car park is within walking distance of the railway station. However, there are many other car parks within nearby walking distance, as well as on street parking options, which visitors to the park and bowling green can use. There are also bus services and the railway station within walking distance of the park and bowling green. Formalisation of the car park will allow more parking for visitors to these facilities, which are often used at the weekend, when commuters will not be using the car park.

The use of the site is already as a municipal car park, which will not change as part of the proposal. The proposal forms part of the displacement strategy, meaning that overall, the number of car parking spaces within the town centre will not increase. Therefore, it is not considered that the proposal has a detrimental impact on health or wellbeing.

Objections have also raised concerns regarding the accuracy of some of the details contained within the application submission. Objectors consider that the description of development should be for a change of use as the car park is currently for users of Victoria Park, rather than as a municipal car park. However, planning legislation does not differentiate between the type of car park, and the description of development is considered to be accurate.

Objectors have raised concerns regarding the financial cost of the works to tax payers and that the proposal is not cost effective. However, this is not a material planning consideration and cannot be taken into consideration as part of this application.

Objectors have queried why improved cycle routes and other green transport options have not been considered as part of the proposal. However, this would form part of a wider consideration of infrastructure. It should be noted that the application forms part of the Council's new headquarters relocation plan where there is a requirement to find displacement parking, which, in part, this application seeks to satisfy. Objectors also state that there is no public transport nearby to Victoria Park. However, there are bus services and the railway station which are all within walking distance of Victoria Park.

Objections state that there is no justification for the proposal and shoppers won't use the car park as it's too far out of town and that the development is not needed. Objectors consider that there is inadequate provision of spaces as part of the displacement plan. Although this does not form a material planning consideration, it should be noted that the formalisation of the car park is required to satisfy, in part, the requirements for displacement parking as part of the Council offices relocation. The car park is considered to be within walking distance of the town centre.

Objections have stated that there would be a detrimental impact on social cohesion a result of the proposed development. However, Officers have no reason to believe that the formalisation of an existing car park would have a detrimental impact on social cohesion.

Objections consider that the proposed development may have a detrimental impact on public safety. However, Officers consider that the formalisation of the car parking layout, and erection of lighting columns and CCTV, which the car park does not currently benefit from, is likely to improve public safety.

Objections raise concern regarding a dangerous precedent that the development could set if approved. However, each application has to be dealt with on its own merits and as Officers consider that the proposal is in accordance with relevant Local Plan policies, it is not considered that this would set a dangerous or harmful precedent.

Conclusion

The proposed car park improvements are considered to be acceptable in principle and would not have a harmful impact on the street scene, Conservation Area, Registered Park and Garden, or neighbouring residential amenity. The harm caused by the loss of trees has been mitigated by a replanting scheme, and subject to confirmation from WCC Ecology, would have no harmful impact on protected species or biodiversity. The proposal would provide increased security to an existing car park and provide additional parking to contribute towards the Council's car parking displacement strategy, and for commuters to the town centre. The development should therefore be approved.

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) 006-PE-00-BG-DR-C-105 Rev P03 submitted on 13th August 2017 006-PE-00-BG-DR-C-0306 Rev P01 submitted on 21st September 2018 and specification contained therein. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

- 3 Within the first planting season following the completion of the development hereby approved, replacement planting shall be undertaken in accordance with a replanting scheme which must be submitted to and agreed in writing by the Local Authority. The replanting shall be maintained in strict accordance with a schedule of maintenance for the tree(s) until successfully established in accordance with the details set out in the approved documentation. All tree(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations (excluding hard surfaces). If within a period of five years from the date of planting the tree(s) (or any other tree(s) planted in replacement for it) is removed, uprooted, destroyed or dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree(s) of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree(s). **REASON:** In the interests of the visual amenities and natural environment of the locality in accordance with Policy NE1 of the Warwick District Local Plan 2011-2029.
- 4 No development or other operations (including demolition, site clearance or other preparatory works) shall commence unless the tree protection measures identified in the approved document, Victoria Park and Archery Road Car Parks Arboricultural Impact Assessment and Method Statement, submitted on 16th October 2018, have been put into place in full accordance with the approved details and thereafter shall remain in place for the full duration of any such construction work. In addition no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **REASON:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.
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Application No: [W 18 / 1717](#)

Town/Parish Council: Baginton

Case Officer: Lucy Hammond

01926 456534 lucy.hammond@warwickdc.gov.uk

Registration Date: 12/09/18

Expiry Date: 12/12/18

Land to the north and south of the A45 (between Festival and Tollbar junctions) and land at the A45/Festival Roundabout, the A46/Tollbar Roundabout and at the junctions of the A444 with the A4114/Whitley Roundabout.

Application for the approval of reserved matters (details of access, appearance, landscaping, layout and scale) pursuant to condition 1 of planning permission ref: W/16/0239 for the construction of the government funded UK Battery Industrialisation Centre (UKBIC) facility, with associated access, landscaping and parking arrangements at Whitley South (within Development Zone 4 on the parameters plan). FOR Coventry and Warwickshire Development Partnership and UKBIC

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

RECOMMENDATION

That planning permission be granted subject to conditions listed at the end of this report.

DETAILS OF THE DEVELOPMENT

This is a reserved matters application seeking approval for access, appearance, landscaping, layout and scale for the construction of a large new building for research and development purposes with ancillary offices pursuant to the original outline permission, for which approval was obtained in 2016 under ref. W/16/0239.

The building, known as the UK Battery Industrialisation Centre (UKBIC) is intended to provide the expertise and capability for the UK to manufacture prototype, pre-series/low-volume production electrodes, cells, modules and packs for automotive applications to process viability at industrially relevant rates. The development includes all necessary on plot car parking, infrastructure, services and landscaping. Car parking is provided for 200 individual spaces and landscaping is proposed around the site's entire perimeter. There are ancillary structures proposed as part of the application as well, which form a necessary part of the delivery of the UKBIC facility. These comprise sprinkler tanks, pumphouse, electrolyte pump and cold store.

The main UKBIC facility building would measure 249m in length by 67m in width with a flat roof height of 10.5m. Attached to the north facing (front) elevation

would be an ancillary office extension, measuring 85m in length by 10.5m in width with a two storey height matching the main building.

THE SITE AND ITS LOCATION

The application site on which the UKBIC is proposed sits to the southern edge of the wider Whitley South proposals but is in fact very close to the northern edge of the Warwick District administrative boundary. The site is accessed off Rowley Road and sits on the southern side of the road. It is approximately 500m south of the A45 Stonebridge Highway which travels east to west from Tollbar Island to Festival Island respectively, the latter junction being the connection between the A45 and the A46 that runs north to south.

The site of the proposed UKBIC is approximately 300 metres from the nearest residential properties that lie on the eastern edge of the village of Baginton which is located to the west side of the application site and Coventry Airport lies to the south of the site. There are no particular land designations or specific site constraints that are of relevant consideration in the determination of this application.

PLANNING HISTORY

Although there is some relevant history to the wider site and associated development proposals, the only directly relevant record to this current application is the previously approved outline application, pursuant to which this reserved matters submission has been made. The outline application is summarised below:

W/16/0239 - Comprehensive development comprising demolition of existing structures and the erection of new buildings to accommodate offices, research & development facilities and light industrial uses (Use Class B1), hotel accommodation (Use Class C1), car showroom accommodation, small scale retail and catering establishments (Use Classes A1, A3, A4 and/or A5), new countryside park, ground modelling work including the construction of landscaped bunds, construction of new roads/footpaths/cycle routes, remodelling of junctions on the existing highway network, associated parking, servicing and landscaping (Outline application discharging access with all other matters reserved) - Approved 10.07.2017

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- DS1 - Supporting Prosperity (Warwick District Local Plan 2011-2029)
- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029)
- DS4 - Spatial Strategy (Warwick District Local Plan 2011-2029)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- DS8 - Employment Land (Warwick District Local Plan 2011-2029)

- DS9 - Employment Sites to be Allocated (Warwick District Local Plan 2011-2029)
- DS16 - Sub-Regional Employment Site (Warwick District Local Plan 2011-2029)
- PC0 - Prosperous Communities (Warwick District Local Plan 2011-2029)
- EC1 - Directing New Employment Development (Warwick District Local Plan 2011-2029)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR2 - Traffic generation (Warwick Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029)
- HS2 - Protecting Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- HS6 - Creating Healthy Communities (Warwick District Local Plan 2011-2029)
- HS7 - Crime Prevention (Warwick District Local Plan 2011-2029)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029)
- CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029)
- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)
- NE1 - Green Infrastructure (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)
- DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029)
- Neighbourhood Plan
- Baginton & Bubbenhall Neighbourhood Plan 2018-2029

SUMMARY OF REPRESENTATIONS

Baginton Parish Council: Objection based on the following reasons:

- The car park and loading bay will always be the busiest, noisiest, most highly illuminated and most polluting area of the proposed development; it is unacceptable that this area of the site is closest to Baginton residents,
- Relevant policies state that residents should be protected from unnecessary intrusions via good development planning and not via mitigation,
- The UKBIC is very prestigious and is the type of development the PC hoped the Whitley South project would attract, however, the site could be designed

differently to minimise cumulative effect of noise, light and pollution on Baginton village,

- The original illustrative plan for Zone 4 implied 4 separate buildings set in leafy roads with individual parking areas,
- The current proposal is unrecognisable from those plans,
- In summary, objection is raised to the layout.

Stoneleigh and Ashow Parish Council: No objection

WCC Highways: No objection

Lead Local Flood Authority: No objection subject to conditions

Environmental Health: No objection subject to condition

Coventry City Council: No objection

Coventry Airport: Request for additional information

Design Out Crime Officer: Comments and standing advice

ASSESSMENT

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

- the background to this proposal and why it is proposed here;
- the impact on the living conditions of nearby dwellings;
- the impact on the character and appearance of the area;
- car parking and highway safety; and
- other matters

Background to this proposal and why it is proposed here

Policy DS16 of the Local Plan allocates land in the vicinity of Coventry Airport totalling 235 hectares as a major employment site (use classes B1, B2 and B8) of sub-regional significance. An earlier outline planning application (W/16/0239) was approved for a comprehensive development comprising the demolition of existing structures and the erection of new buildings to accommodate offices, research & development facilities and light industrial uses (Use Class B1), hotel accommodation (Use Class C1), car showroom accommodation, small scale retail and catering establishments (Use Classes A1, A3, A4 and/or A5), new countryside park, ground modelling work including the construction of landscaped bunds, construction of new roads/footpaths/cycle routes, remodelling of junctions on the existing highway network, associated parking, servicing and landscaping.

As part of this original outline planning application it was envisaged that to the north of Coventry Airport, on land either side of Rowley Road between the airport and the A45, a technology campus would be provided. The proposed technology campus would accommodate up to 53,976 square metres of business floorspace (Use Class B1) and it was envisaged that this would comprise primarily research & development and light industrial uses as opposed to offices.

A new publicly accessible countryside park covering approximately 21.5 hectares was approved under the outline permission to the immediate west of the technology campus. Where this countryside park adjoins the technology campus, its topography would be characterised by large mounded areas designed to reduce the visual impact of the proposed built development in terms of views from the Lunt Roman Fort and Baginton Village.

The UK Battery Industrialisation Centre (UKBIC) is being established by Coventry City Council, WMG at the University of Warwick and the Coventry and Warwickshire Local Enterprise Partnership (LEP). The LEP is the body established by the government for the purpose of creating or improving the conditions for economic growth in the sub-region. The LEP supported the outline application, advising that the development of this site is a key element of the LEP's Strategic Economic Plan (SEP) and that without the development of this area the LEP will be unable to meet its expected overall growth ambitions. The SEP, published in 2014, identified the "Coventry and Warwickshire Gateway" as the priority employment site for the delivery period of the economic plan and the site covered by the outline application formed one part of that priority site, without which, the LEP would be unable to meet its expected employment growth.

The SEP also states that advanced manufacturing and engineering is the foundation of the SEP, and in particular automotive technologies. The outline proposals already permitted therefore fit well with the priorities of the LEP, both in terms of the location of the site and the type of development proposed. Specifically, and in relation to this site, the subject of the reserved matters submission, the form of development comprises advanced manufacturing and engineering, and in particular automotive technologies, which is the key priority sector for the SEP.

The principle of development therefore has already been established through the approval of the outline permission, however, for the purposes of considering this reserved matters submission, it is important to understand what the UKBIC is and what it seeks to provide within the proposed building.

The UKBIC is part of the UK Government's Faraday Battery Challenge. On the 29th November 2017, the Secretary of State for Business, Energy and Industrial Strategy, the RT Hon Greg Clark MP, announced the consortium of Coventry City Council, Coventry and Warwickshire Local Enterprise Partnership, and WMG, at the University of Warwick, had been awarded £80 million, through a competition led by the advanced propulsion centre and supported by innovate UK, to establish a new national facility for battery manufacturing development.

Business and Energy Secretary Greg Clark has said, *"Battery technology is one of the most game-changing forms of energy innovation and it is one of the cornerstones of our ambition, through the Industrial Strategy and the Faraday Battery Challenge, to ensure that the UK leads the world, and reaps the economic benefits, in the global transition to a low carbon economy. The new facility, based in Coventry and Warwickshire, will propel the UK forward in this thriving area, bringing experts from academia and industry together to deliver innovation and R&D that will further enhance the West Midlands' international reputation as a cluster of automotive excellence."*

The UKBIC intends to provide an open access bespoke facility for the purposes of:

- Development of battery cell, module and pack manufacturing
- Proving battery materials, cell design and process techniques
- Client led, prototype campaigns of battery manufacturing
- Enable users to develop manufacturing processes and train staff

Although the principle of development is already accepted through the established outline permission it is important to recognise the strategic and national importance of this particular proposal.

Impact on the living conditions of nearby dwellings

In considering the impact on nearby dwellings, it is important to bear in mind that the wider site has outline planning permission for a comprehensive development that includes A1/A3/A4/A5, B1 and C1 uses together with other uses not coming within the aforementioned use classes (e.g. car showroom, retail and catering establishments).

Since the principle of this type of development is already accepted, it falls to consider whether or not the proposed siting and scale would result in material harm to the residential amenity of any nearby properties or other neighbouring buildings in the vicinity.

Notwithstanding the scale of the proposed building, the nearest residential property in Baginton is some 300m away to the west, separated by areas of open space/country park and landscaping. Immediately adjacent the new research and development facility will be the substation, recently approved under W/18/0539, so this will become a further intervening physical feature separating the UKBIC from the nearest residents of Baginton. Moreover, there is a bund measuring 9m in height to the west which creates a visual screen as well as providing some sound attenuation. This physical distance, when added to the physical features that separate the site from the edge of Baginton village is such that the proposed building would not result in any demonstrable harm to residential amenity by reason of overbearing, loss of light or loss of privacy.

In terms of noise that may be generated by the proposal, the Environmental Health Officer has considered the application, read the submitted documents and had regard to the previous outline permission, attached to which are conditions that must be adhered to in any case, and has therefore confirmed that there is no objection to the development on noise grounds.

In terms of any proposed external lighting that forms part of this proposal, the Environmental Health Officer is satisfied that the assessments carried out and submitted with the application are accurate and the proposed lighting will be unlikely to cause any unacceptable light impacts to sensitive receptors. On this basis there is no objection subject to a condition requiring the lighting scheme, as part of the development approved, to be implemented in accordance with the submitted reports.

Subject to the recommended condition being attached to any forthcoming permission, officers therefore consider the development is acceptable in terms of

noise and general disturbance and there would be no material harm arising in this regard.

Having regard to the above it is therefore concluded that the development would not result in any detriment to the amenity of residential properties or other neighbouring land uses/buildings and as such the development is considered to accord with the relevant provisions of the Development Plan, principally, Policies BE3 and NE5.

Impact on the character and appearance of the area

The UKBIC is proposed off Rowley Road and would be immediately adjacent the recently approved substation which sits to the west of the application site. According to the applicant's submitted Design Statement, a number of site specific constraints have influenced the formation of the development and the building's orientation has regard to solar gain and environmental strategies. The building's area and height are determined by the Parameters Plan, approved as part of the earlier outline permission.

The design of the building has been developed over a period of time; evolving and being amended accordingly in response to design briefs, surveys and site constraints as well as discussions with other similar battery facilities who have experience of the relevant issues and considerations.

The site layout places service areas away from the main road frontages and the main service area would be well screened by the new bund. The site design leaves substantial areas of soft landscaping, particularly facing the new roundabout on Rowley Road.

Design development of the elevations has focused on the office element, which is proposed on the building's principal (front facing) elevation. A large frame is proposed to reduce the scale of the office, making a distinction between it and the main building behind. This framing element wraps around vertical windows and overhangs towards the car park. A smaller frame further emphasises the visitor entrance and reception area. The main building walls would be treated with horizontal cladding in bands of monochrome colours, graded from dark at the ground to a light centre, back to dark under the roof which is intended to disguise the large number of Louvres required for the internal processes. The roof has been reduced in height since the earlier design conceptions and has now been enclosed with a parapet which results in a more cohesive rectilinear form to match the offices. The heights meet the parameters of the outline permission.

The proposed materials are all specified within the submitted drawings and supporting statements and are considered wholly appropriate for the character of the area and the type of facility proposed within the site.

A detailed landscape design statement and drawings accompany the application. The design is intended to respect the adjoining local landscape and ecology, soften the open parking and service yard areas and respond to the differing contexts offered on each frontage. The area of soft landscaping to the eastern end would interconnect with the existing landscape mounding.

No objections are raised in this regard and overall, officers are satisfied that the development would not result in any detriment to the visual amenities of the area or wider surrounding character and landscape. The appearance, landscaping, layout and scale are therefore considered to be acceptable and as such the development is considered to accord with the relevant provisions of Policy BE1 of the Local Plan.

Car parking and highway safety

The vehicle and pedestrian access remains unchanged from the outline permission; the single access is proposed off Rowley Road, which is subject to the national speed limit but has good visibility in both directions.

With regard to car parking, a development of this site, in accordance with the adopted Parking Standards, would normally require a higher number of parking spaces than the 200 proposed. However, this is quite an anomalous proposal insofar as parking is concerned and it is relevant to revisit the outline permission again.

A Parking Management Strategy was submitted and approved as part of the outline application, a primary purpose of which seeks to restrict parking on site so as to limit the proportion of employees travelling to the site as car drivers. The overall parking provision across the entire Whitley South development was limited to a maximum of 2,500 spaces and this was secured by way of a condition attached to the outline approval. Additionally, there is a package of measures to promote sustainable transport measures set out within the Parking Management Strategy. Moreover, the ratio of parking spaces to floorspace across the site is broadly in line with the Council's Vehicle Parking Standards.

Having regard to the above therefore, while this particular development may propose a lower number of parking spaces, this forms only one part of a wider scheme which has a primary objective of promoting sustainable modes of transport. The S.106 Agreement attached to the outline permission includes the following measures that need to be put in place prior to the occupation of the development:

- A contribution of £300,000 towards improvements to cycling/walking in the locality;
- Approval of a Public Transport Infrastructure Strategy to include a new bus route to the site from Coventry City Centre;
- Implementation of a Travel Plan;
- Contributions towards parking restrictions in the locality; and
- Approval of an Access Restriction Strategy for Rowley Road to prevent vehicles from the development from travelling through Baginton Village.

The reason the amount of parking was restricted in the outline application therefore was to take account of the above sustainable transport measures. It follows therefore that the level of parking proposed here is in line with the limited amount proposed in the outline and is therefore acceptable.

Moreover, there is no objection from the County Highways Authority in respect to either the access arrangements or the amount of parking proposed for the

development, and officers are satisfied that the development is acceptable in this regard and would not be detrimental to highway safety.

The development is therefore in accordance with Policies TR1 and TR3 of the Local Plan.

Other matters

Flooding and Drainage

The Lead Local Flood Authority initially requested some additional information/clarification regarding the drainage and surface water management. Following the receipt of additional information, the LLFA has confirmed there is no objection to the development subject to two conditions being attached to any forthcoming permission requiring the development to be carried out in accordance with the submitted FRA as well as confirmation at the appropriate time of agreement from Severn Trent Water to connect to their assets. Subject to these conditions the development is acceptable in this regard and therefore accords with Policies FW1 and FW2 of the Local Plan.

Coventry Airport

The Airport, whilst not raising objection to the development, expressed a small number of concerns, for which additional information and/or clarification was required. The applicant has provided additional information in response to the points raised and the Airport has already confirmed that some of their concerns have been suitably dealt with. It is anticipated that their final comments in relation to the few remaining points will be available as an update to committee. That said, it is not envisaged that there will be any outstanding matters in this regard and it is proposed to attach informative notes to any forthcoming permission that encapsulates the standing advice of the Airport in relation to matters such as the potential need for mobile or tower cranes during the construction phases of the development.

Baginton Parish Council comments

The comments and concerns of the Parish Council are noted, however, as the relevant section of this report demonstrates, in the absence of any objections from the Environmental Health officer and together with the considerations set out in the report, the development is not considered to result in any material harm to residential amenity.

Furthermore, the Parish Council has referred to the indicative plans submitted with the outline application, to which this application bears no resemblance. However, it is important to acknowledge that on an outline permission, indicative plans are only ever intended for illustrative purposes and should not be relied on with regard to the detailed layout and appearance. There are no expectations for the subsequent reserved matters submissions to follow the indicative layouts previously shown; the development must be assessed on its own merits, based on the detailed plans submitted and officers must be satisfied that the development will not result in any material harm as a result.

SUMMARY/CONCLUSION

The development forms a detailed part of the wider site development approved under an earlier outline permission. The principle is therefore acceptable subject to an assessment being made of the other relevant planning considerations. There are no environmental health concerns about the proposal in terms of noise and general disturbance and therefore together with the distance to the nearest neighbouring properties and the intervening features of the substation and a 9m high bund, officers are satisfied that the UKBIC would not result in material harm to residential amenity. The development is also considered acceptable in terms of its visual impact and the landscaping proposed is acceptable. There are no issues arising from the development in terms of flooding/drainage and previous concerns raised by Coventry Airport have since been addressed. Overall therefore, the recommendation is to approve planning permission.

CONDITIONS

- 1 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 01 Rev.B, 02 Rev.C, 03 Rev.C, 04 Rev.C, 11 Rev.P3, 12 Rev.P3, 13 Rev.P1, 14 Rev.P1, 15 Rev.P1, 16, 17 Rev.P1, THDA-DR-0500-500 Rev.B and 150 Rev.D, and specification contained therein, submitted on 5 September 2018 and approved drawing CPW-180802-E-EXT-210-00-01 Rev.P5, and specification contained therein, submitted on 19 October 2018. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 2 The lighting scheme approved as part of the development hereby permitted shall be implemented in accordance with the submitted 'External Lighting Report 180802' produced by Couch Perry Wilkes and the approved 'Proposed External Lighting Layout' drawing CPW-180802-E-EXT-210-00-01 Rev.P5. **REASON:** To ensure that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.
- 3 The development hereby permitted shall be carried out strictly in accordance with the approved Flood Risk Assessment (FRA) *UK Battery Industrialization Centre, Coventry_THDA_B18222C-(P0048)THDA-RP-FRA-Rev 1_October 2018*. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing and phasing arrangements embodied within the scheme. **REASON:** To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures in accordance with Policies FW1 and FW2 of the Warwick District Local Plan 2011-2029.

- 4 Prior to the first use of the development hereby permitted, evidence to show an agreement from Severn Trent Water to connect to their assets shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Lead Local Flood Authority. **REASON:** To demonstrate the development has a viable outfall for the drainage system in accordance with Policy FW2 of the Warwick District Local Plan 2011-2029.
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Application No: [W 18 / 1738 LB](#)

Town/Parish Council: Leamington Spa
Case Officer: Helena Obremski

Registration Date: 10/09/18

Expiry Date: 05/11/18

01926 456531 Helena.Obremski@warwickdc.gov.uk

2 Satchwell Place, Leamington Spa, CV31 1HT

Listed building consent for installation of fence to front of property. FOR Miss.
Melanie Duggan

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

RECOMMENDATION

Planning Committee are recommended to refuse listed building consent for the reasons listed in the report.

DETAILS OF THE DEVELOPMENT

The application seeks listed building consent for the erection of a fence to the front garden of the application site.

THE SITE AND ITS LOCATION

The application relates to 2 Satchwell Place, one of four Grade II listed three storey properties located to the south of New Street and east of George Street. The site is accessed from a public footpath leading from New Street, through to Gordon Street and Russell Terrace. There is no access to the rear of the site which sits adjacent to the Community Centre and burial ground. The application site is located within the Conservation Area.

RELEVANT PLANNING HISTORY

W/18/1276 - Retrospective permission refused for installation of fence to front of property.

RELEVANT POLICIES

- National Planning Policy Framework
- [The Current Local Plan](#)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029)

SUMMARY OF REPRESENTATIONS

Leamington Spa Town Council: Objection, the fencing materials are inappropriate to the setting of the Listed Building and Conservation Area. The Council would not object to a more appropriate solution.

Councillor Quinney: Support:

- there has been fence-panelling around the garden for many years;
- the current fencing has opened up and improved views of 2 & 3 Satchwell Place;
- the fencing protects the occupants from trespassers, needles, detritus and against anti-social behaviour, and drug use;
- the fencing does not touch the listed building;
- the tenant spoke with her landlord and the Local Authority before installing the fencing and was informed that she could install a like for like replacement;
- the tenant was not aware that planning permission was required until after the works were completed;
- installing iron railings as suggested by the Conservation Officer would be costly for the tenant;
- suggests a condition requiring the tenant to plant low-rise climbing vegetation to shield the fence or paint the concrete posts the colour of weathered wood;
- there has been no detrimental effect on the listed building or its setting;
- the proposal should be weighed against the benefits identified.

Conservation Officer: Objection, the fencing appears out of keeping, harming the setting of the listed building and contribution that the setting makes to the significance of the listed building, and Conservation Area.

WCC Ecology: No objection, subject to the inclusion of nesting bird note.

Public Responses: 3 Support:

- There has always been a fence in place;
- the area is not safe without the fencing due to drug takers and anti-social behaviour within the neighbouring alleyway;
- the fence is required to protect the applicant's children;
- the fence is needed for privacy.

2 Objections: Detrimental impact on the setting of the listed building and Conservation Area.

ASSESSMENT

The main issues for consideration of the application are as follows:

- Impact on Heritage Assets

Impact on Heritage Assets

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

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

Paragraph 193 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 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

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

The Town Council and 2 members of the public have objected to the fencing, as they consider it to be harmful to the setting of the listed building and Conservation Area. There have been 3 letters of support submitted in reference to the application, and Councillor Quinney supports the development.

Details from Councillor Quinney and the applicant confirm that the fence was erected last year. The occupier of the property (and applicant) took down a timber panel fence and replaced it with the existing fencing, being timber panels over concrete bases, with concrete panels. The occupier states that they were not aware that planning permission was required to replace an existing fence.

The occupier sets out that owing to high levels of crime, including drug taking and dealing, trespassing and anti-social behaviour within the public footpath which runs adjacent to the front boundary of the site, the fence is required in order to protect the occupants of the property, some of which are children. Members of the public suggest that anti-social behaviour has decreased since the installation of the fence and that the fencing does not harm the setting of the listed building or Conservation Area.

The Conservation Officer has objected to the fencing. He notes that the Georgian terraces are some of the earliest within Leamington Spa, dating from 1807. The fencing directly affects the setting of the listed building which has to be given great weight in accordance with national and local planning policies. The Conservation Officer considers that the fencing is harmful to the setting of the listed building and group-value of the wider terrace. The historic boundary treatment would have most likely been cast metal railings, however, the installed fencing is more akin to modern suburban back garden boundary treatments. Therefore, the fencing is considered to appear wholly out of keeping within this context, being harmful to both the listed buildings, Conservation Area and character of the wider area.

It is recognised that 1 Satchwell Place benefits from panel fencing which is partly obscured by well-established vegetation. However, again, this fencing does not have planning permission. It is likely that this fencing is more than 4 years old and as such immune from any planning enforcement on the basis that it has been erected without planning permission. However, as the fencing attaches to the listed building, the development is not immune from enforcement action on the basis that it has been erected without listed building consent, should the Council wish to pursue this. Notwithstanding the fencing already installed at 1 Satchwell Place, the modern nature of the installed fencing at 2 Satchwell Place appears incongruous and a harsh contrast in comparison to the backdrop of the traditional listed buildings, which was refused planning permission at the last Planning Committee meeting.

It is suggested that the installed fencing does not touch the listed building. However, when Officers visited the site, the fencing appears to do so. Officers have therefore recommended that the applicant also submits an application for listed building consent which has been forthcoming.

The harm identified is considered to be less than substantial, and the NPPF states that where the harm is less than substantial to the heritage asset, it should be weighed against the public benefits. Support for the fencing has suggested that it is not harmful to the setting, however, as detailed above, this is not considered to be the case. It is proposed that the fencing is required to protect the occupants from trespassers, needles, detritus and against anti-social behaviour, drug use and dealing. Supporters of the application also note that there has been a fence in the same position for many years prior to the applicant replacing it. There has been photographic evidence presented by the applicant to support this. However, there is no planning history for the erection of fencing for any of the properties along Satchwell Place, so the previously installed fencing would have been unauthorised.

The Conservation Officer has suggested that the installation of iron railings instead of the proposed fencing would be supported, as this is a more appropriate boundary treatment, which would not detract from the setting of the Conservation Area or listed buildings. It has been noted by Councillor Quinney that this would be very costly for the applicant and that painting the fence, or allowing planting to screen the fencing would be a more appropriate solution. However, painting the fence posts to appear as wooden posts would still lead to the fencing significantly detracting from the setting of the listed buildings. The harsh, modern nature of the fencing is at odds with the character of the properties, and repainting any part of it would not detract from this. Furthermore, the Council would have no control over planting, and the fact that the fencing requires screening highlights its harmful and inappropriate nature.

Although it is suggested by members of the public and a local councillor that the fencing does not have a detrimental impact on the setting of the listed building and Conservation Area, Officers take different view.

Officers have very carefully considered the reasons that the fencing was erected and the subsequent planning application submitted. The need to ensure that families, including children, can live within a safe environment is, of course very important and has been given significant weight in the consideration of this

application particularly within the context of the circumstances that the applicant describes in the surrounding area.

However, the key test from a heritage perspective is whether those considerations, as important as they undoubtedly are, outweigh the concerns regarding the design and appearance of the fencing and resulting significant, albeit less than substantial harm to the setting of the listed building and character and appearance of the Conservation Area which results.

Officers consider that the public benefits of the proposal, whilst important, are not sufficient to outweigh the very considerable harm that would result to the listed building and to the character and appearance of the Conservation Area.

In coming to this view, Officers have taken into account the uncharacteristic appearance of the fencing in question within the context of this row of Grade II listed buildings and the resulting impact in heritage terms, particularly when other design solutions are available which would offer the same public benefits and also be acceptable in heritage terms. The fencing is considered to cause harm by virtue of a modern and historically inappropriate design which is at odds with the traditional character of the properties and wider Conservation Area. The harm identified is considered to be substantial, albeit less than substantial.

Whilst the applicant has identified clear benefits arising from the proposal these are not considered to outweigh the harm caused. It is therefore considered that the fencing is contrary to Local Plan policies, HE1 and HE2, and the NPPF.

Conclusion

The development is considered to cause harm to the setting of the listed building and Conservation Area. The harm is considered to be less than substantial, however, there are considered to be no public benefits to the scheme which would outweigh the harm caused. The proposal is therefore considered to be contrary to the NPPF and Local Plan policies HE1 and HE2, and should therefore be refused.

REFUSAL REASONS

- 1 The proposed development by reason of its positioning around the front curtilage of one of a group of Grade II Listed properties within the Leamington Spa Conservation Area along with its stark and modern design would be harmful to the setting of those Listed properties and fail to preserve and enhance the character of that Conservation Area.

There are no public benefits arising from the proposal which are sufficient to outweigh that less than substantial harm and the proposals are therefore contrary to the National Planning Policy Framework and to the following Local Plan policies:-

The Warwick District Local Plan 2011-2029

- Policy HE1: Designated Heritage Assets and their Setting
- Policy HE2: Conservation Areas.

Planning Committee: 06 November 2018

Item Number: 10

Application No: [W / 18 / 1763](#)

Town/Parish Council: Leamington Spa
Case Officer: Helena Obremski

Registration Date: 19/09/18

Expiry Date: 14/11/18

01926 456531 Helena.Obremski@warwickdc.gov.uk

Surface Car Park, Court Street, Leamington Spa, CV31 2BB

Proposed improvements to existing municipal car park to include additional parking bays, extended asphalt surfacing, change of use of existing disused area to form enlarged car park, lighting, CCTV and an additional pay machine. FOR
Warwick District Council

This application is being presented to Committee because Warwick District Council is the applicant.

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The proposal seeks planning permission for improvements to the existing municipal car park to include additional parking bays, extended asphalt surfacing, lighting columns, CCTV and an additional pay machines. The application form states that the existing car park contains 65 spaces and the proposed layout would accommodate 107 spaces. A new asphalt surface would be laid, which would increase the parking area.

The car park is proposed as part of the Council's car parking displacement strategy to provide additional parking when Covent Garden car park is closed for replacement. The applicant (Warwick District Council) has provided the following details which explain the context of the proposal:

In January 2019 a decision is to be made regarding the proposal to close and redevelop Covent Garden car park in Leamington Spa as part of a wider mixed use development on the site. If the approval is given for the redevelopment to progress the result will be a temporary loss of 468 car parking spaces from the town centre which will affect short and long-stay 'Pay-as-you-Go' users as well as season ticket holders and a displacement plan has been developed that seeks to address the potential matters arising from the redevelopment.

The displacement plan is being devised with consideration to the recently approved 'Leamington Vision Strategy' which sets out the priorities for developing and enhancing Leamington Town Centre in the short, medium and long-term. A draft version of the displacement plan is currently being reviewed

and commented on by an independent consultant. The current plan considers a number of ways in which the impact of the car park closure could be mitigated.

Developments to create additional parking capacity to help accommodate displaced long-stay 'Pay-As-You-Go' users and season ticket holders from Covent Garden car park are proposed for Archery Road, Princes Drive, Court Street and Station Approach (subject to planning permission). The sites at Archery Road, Princes Drive, Court Street and Station Approach are considered to be within an acceptable walking distance for those working in the town centre and visiting the town for a longer period of time based on IHT Guidelines for Providing Journeys by Foot.

The identified sites would be used for displacement parking whilst the new Covent Garden car park is redeveloped. However, in line with the objectives of the Leamington Vision Strategy, they would also offer long-term legacy benefits to the town as enhancements to the existing parking facilities at Victoria Park and in the Old Town.

An extensive options appraisal of alternative potential parking options was undertaken prior to agreeing on the preferred sites for development. Full details of this are attached to the Executive report considered by Warwick District Council's Executive in February 2018.

In order to encourage commuter use of the peripheral car parks in the short-term it is proposed that Off-street car parks outside of the immediate Town Centre will be promoted as 'Park and Stride' locations. Cheaper parking fees and health and wellbeing messages will be used to incentivise the use of these car parks with long-stay car park users the primary target of the promotions.

THE SITE AND ITS LOCATION

The application site relates to an existing municipal car park area situated within the 'Old Town' area of Leamington Spa town centre, and an area of disused land to the south of the existing car park. The application site is accessed from Court Street, which is a mixed use area within the Conservation Area.

RELEVANT PLANNING HISTORY

There are various previous permissions relating to this site, however, none are relevant to the assessment of this application.

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenities (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR2 - Traffic generation (Warwick Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)

- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029)
- HE4 - Archaeology (Warwick District Local Plan 2011-2029)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: No objection, comments that the car park is difficult to find due to poor signage; query how the proposal would affect the fact that the site is listed for 75 dwellings in the Local Plan; query whether there are there any archaeological investigation works proposed.

Councillor Naimo: No objection, however, doubtful that the car park will assist with the displacement from Covent Garden. Signage is inadequate.

Local Lead Flood Authority: Objection, inadequate information has been provided in order to assess the application.

WCC Highways: No objection.

Public Responses: 1 Objection: increase in traffic along High Street / Bath Street, worsening air pollution; the site is allocated for housing in the Local Plan and the development does not propose another area for this housing; plans for the Cultural Quarter should be made public before any approval; the car park is too far from the town centre; signage is inadequate.

ASSESSMENT

The main considerations in assessing this application are as follows:

- Design
- Impact on Heritage Assets
- Impact on Residential Amenity
- Parking and Highway Safety
- Ecological Impact and Trees
- Archaeological Impact
- Drainage
- Other Matters

Design

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

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

The proposed development would result in the formalisation and increase in size of an existing car park. The associated infrastructure such as lighting columns and parking metres are not considered to appear out of keeping or harmful within this context. The proposal is therefore considered to be in accordance with the NPPF and Local Plan policy BE1.

Impact on Heritage Assets

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

Paragraph 193 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 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

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

The proposal would formalise and increase the number of parking spaces within an existing car park. The Conservation Officer has no objection to the proposed development, and suggests that there could be an opportunity for a landscaping plan to include tree planting to soften the impact of the hard surfacing. However, the existing trees within the site boundaries will be retained and the existing disused area at the rear of the site is currently overgrown and does not add value to the Conservation Area. The proposal will improve the appearance of this area. The application seeks to maximise the number of spaces to provide parking as part of the car parking displacement plan, and introducing landscaping is likely to reduce the number of spaces. Therefore, on balance, owing to the need to maximise the number of parking spaces available, and the current overgrown nature of part of the site, which would be improved as part of the proposals, it is not considered necessary to require any additional landscaping in this particular location. The Conservation Officer has requested

that the lighting columns are no more than 4 metres high which the applicant is prepared to accept and an amended drawing is expected shortly.

It is therefore considered that there would be no harm caused to the Conservation Area as a result of the proposal. The development is therefore considered to be in accordance with Local Plan policies HE1 and HE2, and the NPPF.

Impact on Neighbouring Residential Amenity

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

It is not considered that the addition of 42 spaces in this mixed use area would have a detrimental impact on neighbouring residential amenity. It is noted that the majority of the site is already in use as a car park and therefore, whilst there would be a potential intensification of the use, it is not considered that the intensification would generate significant additional noise or disturbance. Furthermore, whilst the change of use of the disused area to the rear of the Stoneleigh Arms would extend the car park up to the boundary with the dwellings in Tower Street, in this busy town centre location it is not considered that this would cause unacceptable noise and disturbance for those properties.

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

Parking and Highway Safety

There has been an objection from a member of the public that the proposal would increase the traffic along High Street and Bath Street. However, WCC Highways have assessed the application and have no objection to the proposal. WCC Highways also have no concerns regarding the parking spaces or layout. The proposal is therefore not considered to cause harm to highway safety.

It is therefore considered that the proposal would provide adequate access arrangements and parking, and is in accordance with Local Plan policies TR1, TR2 and TR3.

Ecological Impact and Trees

There are no ecological issues identified as part of the proposal.

The existing trees within the site boundaries are to be retained and the Council's Tree Officer has assessed the updated Tree Mitigation Measures provided by the applicant. The Tree Officer has confirmed that subject to the development being carried out in accordance with the details provided, he has no objection to the proposed development. A condition will be attached to ensure this.

Therefore, the development is considered to be in accordance with Local Plan policy NE2 and the NPPF.

Archaeological Impact

The Town Council has queried whether any archaeological investigation works are required. However, there have been no comments received from WCC Archaeology in reference to the application, who would have requested these details if they were considered necessary.

The development is therefore considered to be in accordance with Local Plan policy HE4.

Drainage

The application site is located within Flood Zone 1, however, the development does include the installation of a large area of hardstanding. Drainage channels are proposed in order to deal with any additional surface water run-off as a result of the increase in hardstanding. Objections raise concerns regarding the potential for increased surface water run-off.

The Local Lead Flood Authority have been consulted on the proposal and have objected to the development on the basis of a lack of information. Officers are awaiting additional information from the applicant. Planning Committee will be updated on this matter prior to the meeting.

Other Matters

Queries have been raised regarding the effectiveness of the proposal and inadequate signage which makes the car park difficult to find. The applicant has confirmed that the Council is undertaking a review of the signage as part of the displacement plan and will be improving highway signage along Court Street.

There has been an objection from a member of the public regarding the potential for an increase in pollution as a result of the additional traffic. However, the increase in 42 spaces is not considered to generate a significant amount of additional pollution which would warrant reason for refusal of the application, and it is noted that the parking spaces are a displacement from elsewhere within the town centre, rather than a net increase in spaces.

Queries have been raised in reference to the fact that the site is allocated for housing in the Local Plan. This is noted, however, there is no change of use of the site proposed, and the formalisation of the car park and increase in size does not prejudice an application coming forward or being approved for housing on this site.

An objection from a member of the public queries the effectiveness of the site to act as displacement parking as the car park is located too far from the town centre. This does not represent a material planning consideration as part of this application, however, it is considered that the car park is within walking distance of the town centre.

The objection from the member of the public also requests that the plans for the Creative Quarter should be made public before a decision is made on the application. However, as there is no change of use of the site, this would not affect the Council's plans for the Creative Quarter.

Conclusion

The proposed car park improvements are considered to be acceptable in principle and would not have a harmful impact on the street scene, Conservation Area, ecology or neighbouring residential amenity. The proposal would provide increased security to an existing car park and provide additional parking to contribute towards the Council's car parking displacement strategy, and for commuters to the town centre. The development should therefore be approved.

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) 006-PE-00-BG-DR-C-0107 Rev P04 submitted on 14th September 2018 and specification contained therein. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 No development or other operations (including demolition, site clearance or other preparatory works) shall commence unless the tree protection measures identified in the approved document, Victoria Park and Archery Road Car Parks Arboricultural Impact Assessment and Method Statement, submitted on 16th October 2018, have been put into place in full accordance with the approved details and thereafter shall remain in place for the full duration of any such construction work. In addition no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **REASON:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.

Planning Committee: 06 November 2018

Item Number: 11

Application No: [W 18 / 1826](#)

Registration Date: 21/09/18

Expiry Date: 16/11/18

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

Case Officer: Rebecca Compton
01926 456544 rebecca.compton@warwickdc.gov.uk

The Bungalow, Honiley Road, Beausale, CV35 7NX

Variation of condition 2 (approved drawing numbers) of planning permission ref: W/17/1639 - "Demolition of existing bungalow and construction of 2no. detached dormer bungalows; Formation of one new access to the highway" to allow for an amended house type which includes a single storey rear extension to plot 1. FOR Forte Projects Ltd

This application is being presented to Committee due to an objection from the Parish 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

This is an application to vary a condition attached to the previous planning permission which approved the demolition of a bungalow and the erection of two dwellings. The relevant condition is Condition 2 (approved plans) and the variation seeks the approval of an amended house type which incorporates a single storey rear extension to Plot 1 (Beech House).

In determining such an application the Local Planning Authority can only consider the specific amendments being sought, i.e. the addition of a single storey rear extension. The principle of development cannot be re-considered as this remains acceptable as per the original permission.

THE SITE AND ITS LOCATION

The application site lies within the village boundary of Beausale. The site is washed over by Green belt, but Beasale is designated as a Limited Infill Village in the Local Plan. Access is taken off Honiley Road and leads into the site which was originally occupied by a detached bungalow. Planning permission was granted in 2017 to demolish the original bungalow and construct two dwellings in its place, the bungalow has now been demolished and both dwellings (plots 1 & 2) are now in the latter stages of construction.

RELEVANT PLANNING HISTORY

W/17/1639 - Demolition of existing bungalow and construction of 2no. detached dormer bungalows. Formation of one new access to the highway - Granted

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- DS18 - Green Belt (Warwick District Local Plan 2011-2029)
- H0 - Housing (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- H11 - Limited Village Infill Housing Development in the Green Belt (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Open Space (Supplementary Planning Document - June 2009)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Vehicle Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

Beausale, Honiley Parish Council: Object on grounds that the proposal would cause substantial harm to the openness of the Green Belt and detrimental impact on neighbouring properties and local environment with respect of rainwater and flooding.

WCC Ecology: No objection.

Public Response: 2 letters of objection have been received with concerns over the impact on the Green Belt, loss of privacy and the design and scale of the development.

2 letters of support from the respective purchasers of plots 1 and 2 of this development have been received on grounds that they consider the size of the extension is proportionate to the house, the proposal constitutes appropriate development in the Green Belt, reference to permitted development fall-back position; no impact on streetscene or amenity of neighbours.

ASSESSMENT

The previously approved permission is extant and since there is no requirement to re-assess the principle of development through a section 73 application, the main issues in the determination of this application are considered to be:

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

Whether the proposal constitutes appropriate development in the Green Belt

Policy DS18 of the Local Plan states that the Council will apply national planning policy to development proposals within the Green Belt. The erection of new buildings is inappropriate development in the Green Belt, however, paragraph 145 of the NPPF lists exceptions to inappropriate development in the Green Belt, including limited infilling in villages.

Policy H11 of the Local Plan relates specifically to Limited Village Infill housing development in the Green Belt stating that it will be permitted where the site is located within a designated Limited Infill Village and the following criteria are satisfied:

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

This application seeks approval for an amended house design that includes an additional single storey rear element to the originally approved design. Local and National policies place no limit on the size of an infill development provided that the development is in keeping with the character and appearance of the local area. Therefore in Green belt terms, it is considered that the addition of a single storey rear element is in accordance with the NPPF and Local Plan Policy H11 and is considered to constitute appropriate development in the Green Belt.

Visual impact / character of area (including impact on the Green Belt)

Policy BE1 of the Local Plan states that new development will be permitted where it positively contributes to the character and quality of its environment through

good layout and design. Development proposals will be expected to demonstrate that they (inter alia) harmonise with the existing settlement in terms of physical form, patterns of movement and land use, relate well to local topography and landscape features, reflect, respect and reinforce local architectural distinctiveness and respect surrounding buildings in terms of scale, height, form and massing. There are a number of other criteria listed within the policy which new development is expected to be able to demonstrate however for the purposes of assessing this application, the aforementioned principles are the most relevant.

The proposed single storey rear addition to the originally approved design will increase the plan depth of the new dwelling from 11m (as originally approved) to 17m. The buildings in the immediate vicinity of the application site are typically large detached dwellings, 'Orchard Bungalow' which sits adjacent to the south side, has a plan depth of 17m (including a front projection) which is comparable to proposal. 'Briardene' which is situated north of the site has a plan depth of 20m, therefore the increase in plan depth arising from the proposed single storey addition is considered to be in keeping with the character of the local area.

The proposed single storey addition will be situated fully to the rear and therefore views from the wider street scene would be minimal. In addition the approved dwelling is set back over 20m from the highway and therefore any wider views of the extension would not be read as part of the street scene. The single storey addition will be constructed in brick to match the existing building and is considered of an appropriate design that compliments the existing structure. The dwelling will sit comfortably within the plot and therefore the amended design is considered appropriate in design terms.

Overall, the amended design of Plot 1 in terms of its scale and appearance within this site is considered to be visually in keeping with the general character and appearance of the surrounding area and the development is not considered to result in demonstrable harm to the visual amenities of the locality or the appearance of the immediate street scene. The proposal is therefore considered in accordance with Policy BE1.

Impact on neighbouring / residential amenity

The single storey addition will not breach the Council's adopted 45° line from the new dwelling approved on Plot 2 which forms part of the original planning permission for this site or the neighbouring property at Orchard Bungalow.

The development is therefore considered to comply with Policy BE3 of the Local Plan.

Two letters of objection have been received with concerns over the size of the further single storey rear addition, the impact on the Green Belt, the increase in size of the new dwellings compared to the original bungalow, the original design of the approved dwellings and potential overlooking caused by the single storey extension. Whilst these concerns are noted, as stated above, the proposal for a single storey addition to the approved design is considered to constitute appropriate development in the Green Belt as the approved dwellings were infill developments and are therefore not classed as replacement dwellings whereby the size and floor area of the original bungalow is not directly relevant to the assessment.

In addition the dwelling as proposed is considered to sit comfortably within the plot and as the extension is to the rear the proposal will have no material impact on the character and appearance of the street scene. The general design of the dwelling cannot be re-assessed under this application as it has already been deemed acceptable under the previous application which is extant. The concerns regarding the potential overlooking caused by the single storey extension being used as a balcony or raised platform in the future is noted, therefore it is considered appropriate to impose a condition that restricts the use of the roof in the future.

Summary/Conclusion

The amended design of Plot 1 which incorporates a single storey extension is considered to constitute appropriate development in the Green Belt which would not result in material harm to the character and appearance of the street scene or the amenity of nearby neighbouring properties.

CONDITIONS

- 1 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 3467-S4, 3467-P3, 3467-S2, 3467-P1, 3467-P2, and specification contained therein, submitted on 21 September 2018.
REASON: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 2 Other than site clearance and preparation works no works shall commence on the construction of the development hereby permitted until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

- 3 The development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which have been submitted to and approved in writing by the Local Planning Authority. Details of soft landscaping shall include any replacement planting proposed within the site and/or around the perimeter of the site and at least in relation to the frontage boundary to replace planting removed. Details of hard landscaping works shall include boundary treatments, including full details of any proposed boundary walls, railings and/or gates to be erected, specifying the colour of any railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029.
- 4 No part of the development hereby permitted shall be commenced (including demolition, site clearance or other preparatory works) and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the District Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837:2012, Trees in Relation to design, demolition and construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place without the prior consent in writing of the District Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **REASON:** To protect trees and other features on site during construction in accordance with Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029.

- 5 No part of the development hereby permitted, including site clearance, shall be commenced until a combined ecological and landscaping scheme has been submitted to and agreed in writing by the Local Planning Authority (in conjunction with WCC Ecological Services). The scheme must include all aspects of landscaping including details of native tree/wildflower planting and installation of bird and bat boxes. The agreed scheme shall thereafter be fully implemented before and during development of the site as appropriate. **REASON:** To ensure a net biodiversity gain in accordance with Policies NE3 and NE4 of the Warwick District Local Plan 2011-2029.
- 6 The development hereby permitted shall be undertaken in the presence of a qualified bat worker appointed by the applicant to check all suitable features in the roof of the buildings to be demolished and to check all trees to be removed for bats and nesting birds immediately prior to works commencing. All roofing material is to be subsequently removed carefully by hand. Appropriate precautions must be taken in case bats are found, such as the erection of at least one bat box on a suitable tree or building. Should evidence of bats be found during this operation, then work must cease immediately while Natural England and WCC Ecological Services are consulted for further advice. If nesting birds are found the works cannot commence until the young have fledged. Any subsequent recommendations or remedial works will be implemented within the timescales agreed between the bat worker and the Local Authority Ecologist/Natural England. Notwithstanding any requirement for remedial work or otherwise, the qualified bat worker's report shall be submitted to the local planning authority within 1 month following completion of the supervised works to summarise the findings. **REASON:** To ensure that protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029.
- 7 The development shall not be occupied until visibility splays have been provided to the vehicular accesses to the site passing through the limits of the site fronting the public highway with an 'x' distance of 2.4 metres and 'y' distances of 120 metres to the near edge of the public highway carriageway, in accordance with drawing no. 3103-08. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway. **REASON:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 8 The development shall not be occupied until the accesses to the site have been positioned and laid out in accordance with drawing no. 3103-08. **REASON:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

- 9 The accesses to the site for vehicles shall not be used in connection with the development until they have been surfaced with a bound material for a minimum distance of 7.5 metres as measured from the near edge 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.
- 10 The accesses to the site for vehicles shall not be used unless public highway verge crossings have been laid out and constructed in accordance with the standard specification of the Highway Authority. **REASON:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 11 The development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Low Emission Strategy Guidance for Developers (April 2014) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan 2011-2029.
- 12 The roof area of the single storey rear extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area. **REASON:** In the interests of the amenities of the occupiers of nearby properties in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

Planning Committee: 6 November 2018

Item Number: 12

Town/Parish Council: Kenilworth

Case Officer: Debbie Prince

01926 456529 debbie.prince@warwickdc.gov.uk

Land at New Kingswood Farm, Dalehouse Lane, Kenilworth, CV8 2JZ

Application for a Certificate of Appropriate Alternative Development.

LAND COMPENSATION ACT 1961, SECTION 17 AS SUBSTITUTED BY SECTION 63
OF THE PLANNING AND COMPENSATION ACT 1991

Conversion of agricultural building to 5 dwellings

.....

This application has been made by Mr Guy Minshull, the owner of New Kingswood Farm, a property which is being compulsorily purchased by HS2 Ltd.

RECOMMENDATION

Planning Committee are recommended to certify that the development proposed would be lawful for planning purposes and that the Prior Approval of the Local Authority is not necessary, subject to the conditions expressed in Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO).

BACKGROUND

The proposals the subject of this report arise from legislation which has been enacted to facilitate the delivery of the HS2 proposal and in particular are designed to assist homeowners in realising an appropriate financial return upon the compulsory purchase of a property by HS2 Limited.

A Certificate of Alternative Appropriate Development does not comprise a planning permission and does not permit development to be undertaken. Rather, it is intended to identify development which is considered to be acceptable and likely to obtain planning permission (were an application to be made) in order to assist in the valuation (for the purpose of compulsory purchase) of the property in question.

An application for a certificate can only be made by persons owning the land or property in question or the Authority making the compulsory purchase, in this case HS2. Where a Certificate is granted, it relates to the principle of a proposal only and for that reason the legislation does not require applicants to submit detailed plans.

Similarly, there is no requirement for the Local Planning Authority to undertake any consultation or publicity and the proposal should be considered under "normal" circumstances (i.e. without considering the HS2 proposal) taking

into account the relevant material considerations and in this case the Permitted Development Rights conferred by the Town and Country Planning (General Permitted Development) (England) Order 2015.

A Certificate of Alternative Appropriate Development was issued in 2017 for a conversion to 3 no. dwellings (the maximum permitted under the GPDO at that time. Subsequent changes to the GPDO now allow up to 5 dwellings and so further Certificate is now sought for this increased number of dwellings.

THE SITE AND ITS LOCATION

The application property is an agricultural building located close to the existing farmhouse surrounded by arable farmland on the south side of Dalehouse Lane. The site is within the Green Belt. The property is being Compulsorily Purchased by HS2 Ltd for the construction of the high speed railway line.

RELEVANT POLICIES

The Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 3, Class Q.

ASSESSMENT

Details of the Development

This is an application for a Certificate of Alternative Appropriate Development which is seeking confirmation that the property would be granted prior approval under Schedule 2, Part 3, Class Q (a) of the Town and Country Planning (General Permitted Development) (England) Order 2015 relating to a proposed change of use from an agricultural building to 5 no. dwellinghouses (Use Class C3).

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

- whether the proposals comply with the limitations of Schedule 2, Part 3, Class Q of the GPDO;
- transportation and highways impacts of the development;
- noise impacts of the development;
- contamination risks on the site;
- flooding risks on the site;
- whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order.

For future consideration under (b):

- the design and external appearance of the building.

NB. The GPDO restricts prior approval applications under Class Q to considering only the above issues.

The limitations of Class Q

Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 permits development consisting of: (a) a change of use of a building and any land within its curtilage from use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; and (b) building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that schedule, subject to certain limitations.

The proposal relates to Class Q (a) (principle) and under Class Q (b) (building operations). The application needs to comply with the following limitations:

- (a) the site was used solely for an agricultural use on 20 March 2013;

There is no evidence to dispute this and no other permissions contradict this since the construction of the building.

- (b) the cumulative floor space of the existing building or buildings changing use under Class Q within this agricultural unit does not exceed 450 square metres;

The total floor space proposed is 449m²

- (c) the cumulative number of separate dwellinghouses developed under Class Q within the agricultural unit does not exceed five;

The total dwellings proposed is 5.

- (d) the site is not occupied under an agricultural tenancy;

The site is not occupied under an agricultural tenancy.

- (e) an agricultural tenancy has not been terminated within the past year;

No agricultural tenancy has been terminated within the past year.

- (f) no development under Class A(a) or Class B(a) of Part 6 of the GPDO has been carried out on the agricultural unit since 20 March 2013;

There has been no other development under Part 6 of the GPDO.

- (g) the development would not result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;

The conversion would be entirely within the existing envelope of the buildings.

- (h) the development (together with any previous development under Class Q) would not result in more than 450 square metres of floor space of building or buildings within the agricultural unit having changed use under Class Q;

No other development has taken place.

- (i) the development would not consist of building operations other than: (i) the installation of windows, doors, roofs, exterior walls, water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse; or (ii) partial demolition to the extent reasonably necessary to carry out these building operations (*reserved for Class Q (b)*);

The development would not consist of building operations other than (i) and (ii).

- (j) the site is not on article 2(3) land;

The site is not on article 2(3) land.

- (k) the site does not form part of a site of special scientific interest, a safety hazard area or a military explosives storage area;

The site does not fall within a designated Safety Hazard Area.

- (l) the site is not, and does not contain, a scheduled monument; and

The site is not, nor contains a scheduled ancient monument.

- (m) the building is not a listed building.

The building is not a Listed Building.

Furthermore the use of the premises has not been restricted by condition or an article 4 direction.

On the basis of the above, the proposal is considered to accord to Class Q of Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

In making any assessment of a Class Q proposal, to be acceptable, an assessment must be made to ensure that the scheme complies with conditions as set out under Class Q.2. The relevant headings are considered below.

Noise impacts of the development

The isolated nature of the site is such that I am satisfied that there would be no adverse noise impact as a result of the development.

Contamination risks on the site

There are no known contamination risks associated with the application site.

Flooding risks on the site

The site is situated within Flood Zone 1 and consequently there is no undue flood risk.

Whether the location or siting of the building makes it otherwise impractical or undesirable for the building to be used as a dwelling

The application site is well connected to the local highway network by a 5m wide track and clear visibility in both directions onto Dalehouse Lane. There are no other matters that would affect the occupation of the building as a dwellinghouse.

Overall, I am satisfied that it would not be impractical or undesirable for the building to be used as dwellings.

Design and external appearance of the building

The design and appearance of the buildings are considered appropriate and would not entail anything other than the installation of windows, doors, roofs, exterior walls, water, drainage, electricity, gas or other services, to the extent reasonably necessary for the resultant buildings to function as dwellinghouses; or partial demolition to the extent reasonably necessary to carry out these building operations.

CONCLUSION

It is therefore concluded that prior approval would be given under Class Q for the conversion of the building into 5 residential units. It therefore follows that a Certificate of Appropriate Alternative development should be issued.