

## Planning Committee Wednesday 21 October 2020

An additional meeting of the above Committee will be held remotely on Wednesday 21 October 2020, at 6.00pm and available for the public to watch via the Warwick District Council [YouTube channel](#).

Councillor Boad (Chairman)  
Councillor Morris (Vice Chairman)

Councillor M Ashford  
Councillor R Dickson  
Councillor T Heath  
Councillor O Jacques  
Councillor J Kennedy

Councillor V Leigh-Hunt  
Councillor N Murphy  
Councillor N Tangri  
Councillor J Weber

### Agenda Part A – General

#### 1. Apologies & Substitutes

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

#### 2. Declarations of Interest

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

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

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

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

#### 3. Site Visits

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

## Part B – Planning Applications

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

4. **W/20/0439 - Warwick Boat Club, 33 Mill Street, Warwick**  
**(Pages 1 to 24)**
5. **W/20/0668 - Old Beams, Lapworth Street, Bushwood, Lowsonford**  
**(Pages 1 to 14)**
6. **W/20/0852 - 104 Shrewley Common, Shrewley**  
**(Pages 1 to 7)**
7. **W/20/0966 - 45 Brook Street, Warwick**  
**(Pages 1 to 6)**

## Part C – Other matters

8. **Appeals Report**  
**(Pages 1 to 15)**

Please note:

- (a) the background papers relating to reports on planning applications are open to public inspection under Section 100D of the Local Government Act 1972 and consist of all written responses to consultations made by the Local Planning Authority in connection with the planning applications referred to in the reports, the County Structure Plan Local Plans and Warwick District Council approved policy documents.
- (b) all items have a designated Case Officer and any queries concerning those items should be directed to that Officer.
- (c) in accordance with the **Council's Public Speaking Procedure**, members of the public can address the Planning Committee meeting remotely by joining the remote meeting through their personal device on any of the planning applications or Tree Preservation Order reports being put before the Committee. If you wish to do so, please register online at [Speaking at Planning Committee](#) any time after the publication of this agenda, but **before 10.00am** on the working day before the day of the meeting and you will be advised of the procedure.
- (d) please note that the running order for the meeting may be different to that published above, in order to accommodate items where members of the public have registered to address the Committee.
- (e) occasionally, items are withdrawn from the agenda after it has been published. In this instance, it is not always possible to notify all parties interested in the application. However, if this does occur, a note will be placed on the agenda via **the Council's website**, and where possible, the applicant and all registered speakers (where applicable) will be notified.

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](mailto:committee@warwickdc.gov.uk)

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

Details of all the Council's **committees, councillors and agenda papers** are available via  
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456114

**Planning Committee:** 20 October 2020

**Item Number:** 4

**Application No:** [W 20 / 0439](#)

**Town/Parish Council:** Warwick

**Case Officer:** Helena Obremski

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

### **Warwick Boat Club, 33 Mill Street, Warwick, CV34 4HB**

Proposed alterations and improvements to the Warwick Boat Club, to include: demolition of 1no. squash court and part of existing club house, and replace with two storey extension; redevelopment of the Court 11 to create two synthetic clay courts with floodlights; replacement boathouse on the site of the existing boathouse to include a small stores extension; replacement of existing bowls green with an enlarged synthetic bowls green with floodlights; removal of some trees together with replacement planting; remodelling of the Banbury Road access to provide improved access arrangements. **for** Warwick Boat Club

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

### **Recommendation**

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

### **Details of the Development**

Planning permission is sought for the following development:

- Demolition of 1no. squash court and part of existing club house, and replacement with a two storey extension - this would provide improved changing facilities, additional office, social space, storage and gym area.
- Redevelopment of tennis Court 11 to create two synthetic clay courts with floodlights - this is to the north of the site and would result in a total of 12 courts, with 10 additional floodlight columns to be 6m in height.
- Replacement of the existing boathouse with a small store extension - this would be a building which in the main is one storey, with a small section being two storey.

- Replacement of existing bowls green with an enlarged synthetic bowls green with floodlights, increasing the number of bowls rinks from 4 to 6, with upgrading of floodlighting.
- Removal of 6 trees, plus two which would be replanted on site, with replacement planting.
- Remodelling of the Banbury Road access to provide improved access arrangements.

The proposal is required to improve existing facilities and in order to increase membership numbers, which currently stand at approximately 1200 people.

The proposed development includes demolishing a section of the rear garden wall of 17 Mill Street and rebuilding it using the same materials as far as practicable to form an amended boundary, to provide an extra 90sqm of land for the club. A separate change of use planning permission and Listed Building Consent has been obtained for these works (W/19/0470 & W/19/0472/LB), the land formally transferred to the Warwick Boat Club, and the works have been largely completed.

## **The Site and its Location**

The application relates to an established boating, tennis and bowls club within the Warwick town boundary to the south of the town and is located within the Conservation Area. To the north of the site are the rear gardens of 15, 18 & 20 Mill Lane which are Grade II listed buildings, to the east is Banbury Road and running along the western boundary is the River Avon. The site is positioned immediately adjacent to Castle Bridge which is a Grade II\* listed building. The site is also located within the setting of Warwick Castle, a scheduled ancient monument and Grade I listed building within a registered park and garden, which is located to the south west of the site. St Nicholas Park is located on the opposite side of Banbury Road to the north east of the site. The site is also situated within Flood Zone 3.

Access into the site is restricted with the principal access to the car park from Mill Lane through a narrow single vehicle undercroft access under number 22 Mill Lane. There is a secondary entrance into the site directly from Banbury Road which is principally used as a pedestrian access. The site is surrounded by trees and shrubs, so is largely screened from the Banbury Road.

## **Planning History**

There are numerous applications relating to the site, however the most relevant applications are: -

W/00/0665 - planning permission granted for construction of vehicular access from Banbury Road, formation of 8 staff car parking spaces and new car park replacing existing tennis court.

W/02/0918 - planning permission granted for relocation of 4 floodlight columns and alteration of light fittings and erection of 1 new floodlight column.

W/04/1495 - planning permission granted for installation of 6 metre high flood lighting to Tennis Courts 3, 4, 7, & 8.

W/05/0710 - planning permission granted for widening of Banbury Road access.

W/05/0781 - planning permission granted for installation of 8 low level lamps to illuminate pathway to tennis courts and boathouse fronting River Avon.

W/07/0721 - planning permission granted for extension to bar lounge and store and installation of roof lights to pavilion building.

W/10/1441 - planning permission granted for extensions to bar lounge & store. Insertion of rooflight to pavilion building.

W/13/1544 - planning permission granted for installation of floodlighting to three tennis courts.

W/19/1526 - application withdrawn for proposed alterations and improvements to the Warwick Boat Club, to include: demolition of 1no. squash court and part of existing club house, and replace with two storey extension; provision of an additional tennis court with floodlighting; demolition of existing boathouse sheds and replacement with enlarged boathouse; construction of 2no. additional squash courts; replacement of 4no. rink bowls green with 6no. rink synthetic bowls green with floodlights; removal of trees and proposed replacement planting along Banbury Road frontage; remodelling of Banbury Road access, turning and parking area; installation of solar PV panels to roof of clubhouse extension.

## **Relevant Policies**

- National Planning Policy Framework
- **Warwick District Local Plan 2011-2029**
- HE2 - Protection of Conservation Areas
- FW1 - Development in Areas at Risk of Flooding
- HE4 - Archaeology
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- HE1 - Protection of Statutory Heritage Assets
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice
- TR3 - Parking
- HS4 - Improvements to Open Space, Sport and Recreation Facilities

- CC1 - Planning for Climate Change Adaptation
- NE4 - Landscape
- NE5 - Protection of Natural Resources
- FW2 - Sustainable Urban Drainage
- **Guidance Documents**
- Parking Standards (Supplementary Planning Document)
- Air Quality & Planning Supplementary Planning Document (January 2019)

## Summary of Representations

**Warwick Town Council:** Neutral, note comments made by the Conservation Officer and are in support of them. Share concerns raised by Historic England regarding light and heritage grounds. Parking raised as an issue.

**Historic England:** No objection, following submission of additional information and revision to plans, subject to control of materials.

**Conservation Officer:** No objection, subject to conditions to secure details of sample materials and large scale details.

**WCC Landscape:** No objection, subject to a condition to control landscaping proposals.

**WCC Highways:** No objection, subject to condition.

**WCC LLFA:** No objection, subject to conditions.

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

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

**Environmental Health:** No objection, subject to conditions.

**Tree Officer:** No objection, subject to condition ensuring that the tree protection measures are put in place.

**Sport England:** No objection.

**Environment Agency:** No objection.

**Gardens Trust:** Objection, the enlargement of the squash court building still produces an overbearing mass. Concerns about the damaging impact of light, recommend lighting ban after 9pm to mitigate the significant adverse effect of illumination visible from the bridge at night. Additional windows to any of the buildings should be conditioned so that as soon as internal lighting is required, blinds must be lowered in these rooms to prevent light spill. The design of the new extension to the squash courts is an improvement on the existing building.

## **Public Responses:** 32 Objections:

- **Character of the area:** the scale of the proposed extensions is harmful and the site is being overdeveloped; the proposed boat shed is out of character; there is no aesthetic link between new and old development.
- **Impact on Heritage Assets:** the proposed extensions have a harmful impact on the setting of the castle and nearby listed buildings; the original squash courts were reduced in scale to mitigate the impact on heritage assets; the iconic view from Banbury Road of listed buildings nestling at the foot of the Castle will be totally dominated by industrial scale units, out of character when set in a Conservation area and built next to the classic pavilion; the Heritage Statement is out of date; the visualisations within the Heritage Impact Assessment are inaccurate and there are no winter illustrations.
- **Impact on Amenity:** loss of privacy; increased light, odour and noise pollution.
- **Car Parking:** the proposals will increase visitor numbers which will put increased pressure on St Nicholas Car Park and unrestricted parking in Bridge End; there has been no transport assessment made; Mill Street cannot cope with the existing traffic from the Boat Club parking within the residents parking which will be impacted on.
- **Highway Safety:** concern regarding pedestrian safety; the existing access is inadequate to cope with additional traffic and impacts on the traffic congestion along Mill Street; the Boat Club doesn't manage the access road; the mitigation steps in the traffic management plan do not include measures to reduce traffic.
- **Air Quality:** the proposal will be harmful to the environment by increased pollution from traffic; there is no accurate transport assessment or proposal to cut noise and pollution.
- **Trees:** no mention is made of the retention of the tree/hedge screen which at present exists on the river side of the boathouse; loss of trees (impacts on amenity, screening, pollution control, traffic noise).
- **Ecology:** detrimental impact on wildlife.
- **Flood Risk:** concern regarding increased flooding of residential properties.
- **Other Matters:** the proposals do not benefit the community; the proposed landscaping along the Mill Street boundary cannot be achieved as land is not within the ownership of the applicant; concern regarding the impact of the development in structural terms; there is no need for additional gym facilities within the area; the LVIA is biased so lacks credibility; comments from people who do not live in the area should not be considered, whilst club **members'** opinions should be listened to.

1 Neutral: concern regarding the new court which will run closely to neighbouring boundaries and damage to existing hedgerow which provides screening and privacy.

6 Support:



- the plans improve accessibility and sporting capacity for club members and local area;
- the development will allow more people to participate in outdoor exercise, having benefits for physical and mental health;
- the plans are sensitive to neighbouring properties and designed to be in keeping with area;
- the impact to the rowing and water aspects are minimal as the capacity of the rowing section is limited by the number of boats;
- the replacement boat house is to provide a waterproof and weatherproof building rather than to increase capacity;
- 90% of members park at St Nicholas Car Park and this would not change.

## **Assessment**

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

- Principle of the Development
- Design and Layout
- Impact on Heritage Assets
- Impact of the proposal on the living conditions of neighbouring occupiers and whether the proposal would provide adequate living conditions for future occupiers
- Flood Risk
- Impact on Trees
- Impact on Ecology
- Archaeological Impact
- Parking and Highway Safety
- Other Matters

### **Principle of the Development**

The site lies within the town centre boundary and is part of the established boat club. Policy CT1 of the Warwick District Local Plan seeks to direct new leisure facilities to town centre locations. The principle of improving existing facilities on the site is therefore acceptable.

### **Design and layout**

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

Objectors state that the scale of the proposed extensions is harmful and the site is being overdeveloped. They consider that the proposed boat shed is out of character and there is no aesthetic link between the new and old development.

Supporters of the proposals state that the plans are sensitive to neighbouring properties and designed to be in keeping with area.

The visualisations of the proposed squash courts show that the two storey element would clearly be a modern addition to the pavilion building, with the main section being stepped away from the traditional pavilion. The glass link between the old and new development provides a lightweight link which shows clear differentiation between the traditional and contemporary parts of the development. The pitched roofs over the new squash courts have gable features which provide a modern take on the pitched roofs serving the pavilion building, with materials which add texture and visual interest. The large areas of glazing on the front elevation reinforce the modern character of the extension, whilst providing a lightweight frontage which reduces the overall bulk and mass when viewed from the south. This extension would replace a bland and poor quality building with a contemporary structure of much higher architectural quality, which sits comfortably within its environment.

The proposed replacement boathouse is of a simple design which would replace a building of similar design type. It is considered to be appropriate for its purpose and would not be out of keeping within the site context.

The additional tennis and bowls courts would again not appear out of keeping within the context of this established sporting club.

WCC Landscape have received the most up to date information provided by the applicant and have no objection to the proposal, subject to a condition to control landscaping proposals, which has been added.

The proposed development would affect limited views from public vantage points owing to site's well screened location, but notwithstanding this, the development is considered to be of good architectural quality which is considered to respect the site context and surroundings. The development 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. 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 support the comments of the Conservation Officer and have raised some concerns regarding the impact of light spill identified by Historic England.

Objectors state that the proposed extensions have a harmful impact on the setting of the castle and nearby listed buildings; they note that the original squash courts were reduced in scale to mitigate the impact on heritage assets. Members of the public consider that the iconic view from Banbury Road of listed buildings will be totally dominated by industrial scale units, out of character when set in a Conservation Area and built next to the classic pavilion. It is stated that the Heritage Statement is out of date, that the visualisations within the Heritage Impact Assessment are inaccurate and there are no winter illustrations.

The Gardens Trust have maintained an objection to the proposal, stating that the enlargement of the squash court building still produces an overbearing mass. They express concerns about the damaging impact of light, recommending a lighting ban after 9pm to mitigate the significant adverse effect of illumination visible from the bridge at night. They consider that additional windows to any of the buildings should be conditioned so that as soon as internal lighting is required the blinds must be lowered in these rooms to prevent light spill. They do however note that the design of the new extension to the squash courts is an improvement on the existing building.

The application site is located in a sensitive location, in the setting of a number of Grade II listed buildings which front onto Mill Street and adjacent to Castle Bridge

which is a Grade II\* listed building. The site is also located within the setting of Warwick Castle, a scheduled ancient monument and Grade I listed building within a registered park and garden. The site is within a Conservation Area. There are therefore a number of heritage assets which must be considered.

Initially, the Conservation Officer and Historic England raised concerns regarding a lack of visualisations of the proposed development and inadequate information in order to assess the application. 3D visualisations of the proposed squash courts have been provided, along with photomontages of a view from Warwick Castle. The Conservation Officer considers that the information provided shows that the **proposal would sit well in views from Caesar's Tower and from the rear of listed buildings on Mill Street.** This is a high quality scheme that improves the standard of design locally, with an appropriate level of natural screening to mitigate any visual harm to the setting of designated heritage assets. The Benefits Statement document is also useful in order to understand some of the benefits of the proposal. Finally, the Conservation Officer states that conditions should be attached to any approval to secure sample facing materials and large scale details for all windows, doors and balcony. These have been included.

A meeting was held with Historic England to discuss their concerns and an updated response has been received from them regarding this, and the additional information provided by the applicant. They consider that the existing squash court is a large and poorly designed box, and although the proposal offers a larger footprint than the existing, it is a much more elegant architectural treatment. This **part of the club's site is less visible from high vantage points such as Warwick Castle** than much of the rest of the premises. It also cannot be easily viewed from outside the site. Inevitably there will be a greater presence behind the Mill Street gardens, but that is also obscured by planting and their boundary walls.

Historic England continue to say that in terms of the front elevation of the pavilion and the squash courts, there will be a separation of the two built forms through the single storey link with a cast glass front. There will be a terrace in front of the squash courts at first floor level, but the large windows will face away from the Castle, reducing their impact. They suggest that any light spillage from this elevation is kept to minimum. They also recommended that the materials of the single storey front wall of the squash courts were amended to provide a greater sense of separation between the new and old development. This has been amended to brick. Officers have liaised with Historic England on this matter who have confirmed that brick would be supported.

Another element of the scheme that was of some concern was the new boathouse. However, the revisions of the scheme have reduced the impact of the large windows that concerned Historic England at the outset. At the same time, careful attention has been taken with respect to the selection of materials, which should fit well in the landscape, and can be secured by condition.

Historic England noted that the whole site is more enclosed than they recalled by the perimeter planting towards the Banbury Road. It is largely screened from the listed bridge over the Avon and the Banbury Road. The main location where the site can be viewed from across the river is the back gardens of the Bridge End houses. The squash courts will only be distantly visible from that location and

although the boathouse will display a larger elevation in this direction, the impact will not be great.

Overall Historic England conclude that they are content with the scheme following the various revisions and the fuller understanding that they have been able to achieve. Subject to careful control of the materials by appropriate conditions, and consideration of conditions with regard to light spillage from the whole site, Historic England are content from a heritage perspective to see the scheme proceed. A condition will be added for sample materials and also a detailed lighting scheme which addresses lighting spillage in order to address these concerns.

The additional floodlighting would be the same height and design as that which has been previously approved at the site (eg. W/13/1544). This was previously considered to be of a height and design which would have an acceptable impact on heritage assets, and the additional floodlighting is therefore considered to have been appropriately designed for this setting.

The additional tennis court and bowls green are considered to be appropriate development in the context of this existing site, which would not cause harm to the heritage assets.

A member of the public has raised that the proposed landscaping along the Mill Street boundary cannot be achieved as land is not within the ownership of the applicant. However, the visualisations show the landscaping as existing and it is unlikely that the owners of the properties along Mill Street would remove the established vegetation leading to exposure of the rear elevation of the squash courts, as this would potentially reduce their visual amenity.

Taking the advice from the Council's Conservation Officer and Historic England into consideration, Officers have concluded that the proposal would not have a harmful impact on heritage assets. Whilst the comments from the Gardens Trust and members of the public are noted, the expert advice provided by the consultees is considered to have adequately justified that the development would not be harmful. Furthermore, it is also considered that the development would preserve the character of the Conservation Area. The development is therefore considered to be in accordance with the NPPF and Local Plan policies HE1 and HE2.

### **Impact of the proposal on the living conditions of neighbouring occupiers and whether the proposal would provide adequate living conditions for future occupiers**

Warwick District Local Plan policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a responsibility for development not to cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion. The Residential Design Guide provides a framework for policy BE3, which stipulates the minimum requirements for distance separation between properties and that extensions should not breach a 45 degree line taken from a window of nearest front or rear facing habitable room of a neighbouring property.

Members of the public have raised concerns regarding a loss of privacy, and increased light, odour and noise pollution.

The nearest residential properties to the site are to the north whose rear gardens back onto the existing tennis courts, squash courts and club house buildings. The siting of the two storey squash court building would be immediately to the rear of number 18 Mill Lane. The proposed two squash courts would be over 30 metres from the very rear of 18 Mill Street and further from other properties. This far exceeds the required distance separation for this scale of development, and no windows are proposed which would overlook private amenity areas serving the properties along Mill Street.

A noise impact assessment was provided in support of the application to address the noise impacts of the additional squash courts on nearby residential properties. The report concludes with recommendations for the construction of the courts outer structure, however, the sound reduction performance of the proposed mitigation has not been stated, so Environmental Health Officers state that it is difficult to determine whether the proposed mitigation scheme would be effective **in achieving the report's design criteria. They therefore recommend that this** matter is addressed by a condition which requires the submission of a noise mitigation scheme for the squash courts, which has been added.

The proposed replacement boathouse would be larger in scale than the existing, and would have a first floor balcony, however, this faces inwards towards the site and there are no close neighbours which would be impacted by the increase in size of the building.

Environmental Health Officers note that the proposed lighting could impact on neighbouring amenity. They do not object to the additional floodlighting in principle, but recommend that a condition is attached for the provision of a lighting scheme, which has been added.

Environmental Health Officers also recommend a condition to restrict noise levels from plant and equipment and request the inclusion of a condition for the provision of a construction management plan to protect neighbouring amenity. These conditions are considered to be reasonable and necessary for the purposes of the development so have been added.

Officers have no reason to conclude that there would be increased odour pollution as a result of the development.

In summary on this issue, it has been concluded that the measures secured by condition would adequately address any impacts on neighbouring amenity and the development is therefore considered to be in accordance with Local Plan policy BE3.

## **Flood Risk**

Members of the public have raised concerns regarding the proposed development and increased risk of flooding of residential properties.

The site lies within Flood Zone 3 and the Local Plan states that there will be a presumption against development in Flood Zone 3, and no built development will be allowed in the functional floodplain. New development must be resilient to surface water, fluvial and pluvial flooding. Where new development lies in an area of flood risk it must be designed to be flood resilient with safe dry access for vehicles and pedestrians. A Flood Risk Assessment and Drainage Strategy (FRA) has been provided in support of the application which has been assessed by the Environment Agency (EA) and Local Lead Flood Authority (LLFA).

It should be noted that outdoor sports and recreation and essential facilities such as changing rooms are classed as water compatible uses under the Environment Agency's Standing Advice. Furthermore, this is an existing established use, which would not result in a significant increase in built form on the site, as much of the development would replace existing buildings on roughly the same footprint. All of the site is within Flood Zone 3 and therefore there is no option to locate development in association with this use outside of the flood zone.

The FRA confirms that the extension to the clubhouse forming the new squash courts would not be constructed within the functional floodplain and would be built using flood resilience construction techniques.

The extended bowling green, tennis courts and refurbished boathouse are appropriate in all flood zones but must not result in a net loss of floodplain storage, nor impede flood flows. The earthworks required to create the extended flat surfaces (bowling green and tennis courts) must also provide compensation for any loss of floodplain storage arising from the extended clubhouse. The impact and increased impermeability of the site as a result of the development would be mitigated through a combination of SuDS components and attenuation storage tanks.

**The proposed development is in an area benefiting from the EA's Flood Warning Service** which provides users with advanced warning of flood events and allows the timely evacuation of the site and the implementation of protection measures to reduce damage. Due to their permeable surface and engineered sub-bases, the extended bowling green and tennis courts are not expected to generate any additional runoff, most likely providing additional attenuation within the engineered sub-bases mimicking the current situation. The extended features will not benefit from a formal drainage system and runoff will either infiltrate in the more frequent storm events or flow overland towards the River Avon in the more extreme storm events. Informal attenuation will continue to be provided north of the raised platform blocking the direct passage of overland flows towards the River Avon.

The EA and LLFA have assessed the application and information provided and have no objection to the proposed development. The LLFA have requested conditions requiring the provision of a detailed surface water drainage scheme for the site, with an associated management plan. These conditions are considered to be necessary and reasonable and have been added.

The development is therefore considered to be in accordance with Local Plan policies FW1 and FW2.

## Impact on Trees

Policies BE1 and NE4 of the Local Plan seek to ensure that development blends into the landscape and that proposed developments are designed around a landscaping scheme. Objectors state that no mention is made of the retention of the tree/hedge screen which at present exists on the river side of the boathouse. They also raise concerns regarding loss of trees and the associated impacts on amenity, screening, pollution control, and traffic noise.

The site is well screened and surrounded by vegetation and trees, most of which would not be impacted as a result of the proposed development. However, 6 trees would be removed from the site to facilitate the development, mainly where the new tennis and squash courts would be located to the north of the site. Half are category C trees, with one being a category U tree, and two being category B trees. Two trees will be replanted elsewhere on site and the rest will be protected during the construction works. There would also be some tree thinning where required to facilitate the development. Officers can confirm that there are no proposed works to trees / hedge which is positioned adjacent to the river to the south of the boathouse.

**The Council's Tree Officer has been consulted on the proposal and has not raised** any objections, provided that the control measures described and illustrated in the Tree Report are fully implemented in a timely fashion and properly maintained and monitored throughout the duration of the development. This can be secured by condition.

The trees which would be removed to facilitate the development are of low amenity value and quality, and cannot be readily be viewed externally from public vantage points. Only two category B trees would be removed which are of a quality which may suggest retention, however, owing to the lack of amenity value which they provide and the health and wellbeing benefits which the proposed development would deliver, this is considered to tip the balance in favour of their removal.

A report by the Forestry Commission, "Delivery of ecosystem services by urban forests" (2017) suggests that decaying or rotting trees will become a source of CO<sub>2</sub>, rather than absorbing it. Further, the Report also informs that the amount of CO<sub>2</sub> absorbed per tree is influenced by the area of the existing tree canopy cover, and larger trees will absorb more CO<sub>2</sub> than smaller trees. Further, **carbon storage and sequestration depends also on a tree's growth rate and age class**, with rates increasing to middle age and then diminishing towards post-maturity.

Regarding air quality, the report informs that urban tree canopies are more effective in capturing particles than other vegetation types due to their greater surface roughness. However, trees can also emit biogenic volatile organic compounds that can contribute to ozone and particulate matter formation. **Air purification is primarily delivered by trees through a 'line of trees' (specifically street trees)** and woodland – the latter due to the higher tree cover. Key delivery indicators of this ecosystem service are total canopy cover, a high leaf area/density, a high proportion of deciduous trees and the presence of trees near to pollution sources.



Noise mitigation is primarily delivered by woodlands, though linear tree belts can also be effective if they are wide and densely planted. Other delivery indicators include trees with large stems, a high leaf area/density and multiple low-level branches, and close proximity to the noise source.

The Tree Report identifies that one of the trees to be removed has fungi in its base and crown, so therefore in line with the information obtained from the Forestry Commission Report, this could well be an air pollutant, rather than CO2 absorber. The remaining trees to be removed are of either good or fair condition, of middle or mature age. Further, they do not form part of a woodland or street trees which have the most effective impact in terms of noise and air quality. On this basis, considering the age and condition of the small number of trees to be removed as a result of the development, it is not considered likely that these would have a material impact in terms of pollution control and noise mitigation.

### **Impact on Ecology**

Policy NE3 of the 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. Members of the public consider that the development would result in a detrimental impact on wildlife.

WCC Ecology have assessed the application and their main concerns focused around the impact of the proposed floodlighting on protected species. Further information was provided by the applicant on this matter which has now been addressed to a satisfactory degree and WCC Ecology have no objection to the proposal, subject to a condition for the provision of a detailed lighting scheme and a condition to ensure that works are carried out outside of the nesting bird season, or do not commence until a qualified ecologist has been appointed by the applicant to inspect the building or vegetation affected. They also recommend notes relating to protected species.

Subject to the inclusion of the recommended conditions and notes by WCC Ecology which have been added, the development is considered to be in accordance with Local Plan policy NE3.

### **Archaeological Impact**

WCC Archaeology have assessed the application and note that the application site lies within an area of significant archaeological potential, adjacent to the known **extent of Warwick's Eastern Medieval Suburb** and overlooking the Medieval Suburb of Bridge End which is located on the opposing bank of the River Avon. Recent archaeological fieldwork undertaken approximately 450 metres to the south of the proposed development at Warwick School has identified evidence for prehistoric and Roman occupation, including Iron Age Ditches and gullies and a large aisled barn constructed of local sandstone. There is a potential for the site to contain within it archaeological remains dating from the pre-medieval, Anglo-Saxon and medieval periods.

Therefore, WCC Archaeology recommend that a condition is imposed which requires that a written scheme of investigation for a programme of archaeological evaluative work is submitted prior to commencement of works, which would be

followed by a programme of archaeological evaluative field work and post-excavation analysis report. An archaeological mitigation strategy would also be required as part of this condition.

Subject to the inclusion of the above condition which has been added, it is considered that the proposed development would be in accordance with Local Plan policy HE4.

### **Parking and Highway Safety**

Policies TR1 and TR3 of the Warwick District Local Plan (2011-2029) seek to ensure that there is adequate car parking provided to serve new development proposals based on the adopted Car Parking Standards SPD and that there is a safe and convenient access.

The Town Council have concerns regarding the parking provision. Members of the public state that the proposals will increase visitor numbers which will put increased pressure on St Nicholas Car Park, and on street parking in Bridge End and Mill Street. Objectors express concern there has been no transport assessment made and that Mill Street cannot cope with the existing traffic from the Boat Club parking within the residents parking areas, which would be worsened as a result of the development. However, supporters of the proposals state that 90% of members park at St Nicholas Car Park and this would not change.

Members of the public also raise concern regarding the impact of the development on pedestrian safety, stating that the existing access is inadequate to cope with additional traffic and impacts on the traffic congestion along Mill Street. Objectors state that the Boat Club does not manage the access road well at the moment and the mitigation steps in the traffic management plan do not include measures to reduce traffic.

The only car parking area to serve the site is off Mill Street and this provides for approximately 30 spaces. The access into this car park involves driving through a very restricted single car undercroft for which the applicant has right of access, but not ownership, from Mill Street. Access is gained to this car parking area using a permit from the club. The number of car parking spaces provided in the car park and the restricted access into it means that the current arrangement is insufficient to serve the size of the club and overflow parking is accommodated in the nearby St Nicholas car park. Due to the restricted nature of the site it is not possible to provide additional spaces to meet the needs of the proposed development, which is a significant concern for local residents.

The Highway Authority objected to a previous application of a similar nature (W/19/1526) due to concerns over vehicle movements and parking arrangements. The current application includes a Parking Management Plan which has been prepared following their original objection. The Highways Authority has advised that the Plan covers their previous concerns and therefore this element of objection can be removed. The Highways Authority therefore have no objection to the proposal, subject to a condition which ensures that the Parking Management Plan is adhered to and monitored in accordance with a scheme which must be submitted to the Council prior to the development being brought into use. By

ensuring that the applicant provides a scheme to show how the Parking Management Plan will be implemented and monitored, this will allow the Council to have control over how this is managed, providing a sufficient level of certainty that the measures in the Plan can be achieved.

Officers consider that it would be reasonable, like with all other town centre leisure uses, to rely on local car parking provision when visiting the site, especially when there is a Council owned car park located directly opposite to the site. There have been no concerns raised regarding the capacity of St Nicholas Car Park to accommodate an increase in visits and vehicles. The Plan proposes the following measures to alleviate parking concerns:

- Repositioning the red "stop" light at the entrance to the driveway along Mill Street to the top of Mill Street and providing a second red light outside the Banbury Road entrance to alert visitors that the car park is full (thus reducing the congestion issues along Mill Street when the car park is at capacity);
- Change the club address from 33 Mill Street to Banbury Road with a new post code (to encourage access to the site from Banbury Road, ensuring that visitors and delivery vehicles do not unnecessarily use Mill Street);
- Reducing the capacity of the club car park from 32 spaces to 30 spaces (this has already been implemented, reducing the number of available spaces on site);
- Potential for allocated spaces for the club within St Nicholas Park Car Park (WCC Highways have indicated that this could be possible, which would encourage use of the Council car park rather than on site car park).

It must be highlighted that this planning application can only assess the impact of the proposed development, rather than whether the existing access and parking arrangements are sufficient. The proposal would result in approximately an additional 470sqm of floorspace, 2 additional bowls rinks and 1 additional tennis court. In accordance with the Vehicle Parking Standards guidance, this would demand 47 spaces for the additional floorspace created. There is no standard for tennis courts or bowls greens. A playing pitch requires 12 spaces per pitch, therefore scaling this down to a tennis court, there would likely be a maximum of 4 people playing at a time, it would seem reasonable that 2 vehicles per court would be appropriate, and 3 vehicles per bowls rink. This generates an overall total increased requirement of 52 car parking spaces. Evidently, this would be unlikely to be required all at the same time, and would spread across the day and during peak periods.

The concerns from residents focus on when car parking is at capacity within the car park on site, and impacts this is likely to have on roads such as Mill Street and Bridge End. However, if the red "stop" light is moved to the end of Mill Street so that those visiting the club are aware that the car park is full before even entering Mill Street, this is likely to deter visitors from accessing Mill Street.

Based on the response from WCC Highways, the proposed Traffic Management Plan and fact that there is a nearby public car park within close proximity of the application site, it is considered that adequate parking arrangements can be made.

The proposal is therefore considered to be in accordance with Local Plan policies TR1 and TR3.

### **Other Matters**

Members of the public consider that the proposal will be harmful to the environment by increased pollution from traffic and that there is no accurate transport assessment or proposal to cut noise and pollution.

The anticipated vehicle use by residents of the new development is likely to cause an incremental increase in traffic in areas of poor air quality within the district. The Environmental Health Officer has confirmed that the scheme would be considered as a minor scheme in accordance with Warwick District Council's air quality supplementary planning document. On this basis, a full air quality assessment would not be necessary. As a minor scheme, Type 1 mitigation is normally required and provided by way of electric vehicle recharging facilities for additional car parking created by a development. In this instance, no additional car parking is proposed as the club will be relying on the nearby public car park for any parking shortfall. Nonetheless the development would have some adverse contribution to local air quality albeit minor in isolation. On this basis, Environmental Health Officers recommend that a planning condition is included with any approval which requires the provision of an air quality mitigation scheme. This could take the form of electric charging provision at the existing club car park or a travel plan to encourage club members to use sustainable transport options. The club could consider whether parking permits should be granted for members that live within a certain radius of the site to minimise unnecessary short distance private vehicle trips. This condition has been added.

Members of the public state that the proposals do not benefit the community and that there is no need for additional gym facilities within the area. Officers consider that the proposals would be of benefit to the community by providing enhanced sporting facilities, which would have health and wellbeing benefits.

Concern has been expressed by members of the public regarding the impact of the development in structural terms. However, this is a private matter and cannot be considered as part of the planning application.

Objectors also state that the LVIA is biased so lacks credibility. However, this was not raised as an issue by either Historic England, the Conservation Officer or WCC Landscape, therefore Officers have no reason to query its validity.

Members of the public have stated that comments from people who do not live in the area should not be considered, whilst club **members'** opinions should be listened to. This is a personal opinion and all comments received in relation to a planning application must be considered equally.

Supporters of the proposal state that the plans improve accessibility and sporting capacity for club members and local area. They also consider that the development will allow more people to participate in outdoor exercise, having benefits for physical and mental health. Further, members of the public consider that the

impact to the rowing and water aspects are minimal as the capacity of the rowing section is limited by the number of boats. Finally, supporters state that the replacement boat house is to provide a waterproof and weatherproof building rather than to increase capacity. These benefits are acknowledged.

The applicant has provided a benefits statement which outlines the following benefits as a result of the proposed development which Officers consider to be relevant considerations:

- aiding the long term sustainability of the club as a leading multi-sport club, securing financial stability;
- protection and enhancements to the club setting;
- health and well-being - encouragement of healthy lifestyles and increased opportunities for local residents to participate in activities which would be beneficial to their health;
- additional capacity to enable the club to extend its schools outreach programme;
- improvements will enable the club to be legally compliant having regard to toilets and changing room requirements for young people and those with disabilities. It will also enable the Club to provide young people with their own social space within the Clubhouse. The two new tennis courts will have a synthetic clay surface which will enable the Club to encourage those with disabilities to participate, and for the Club to organise appropriate coaching programmes;
- reduction in traffic entering the site from Mill Street.

These matters should all be considered in the planning balance as clear benefits derived from the proposals.

## **Conclusion**

It has been demonstrated above, that the proposed development would not have a harmful impact on heritage assets, subject to conditions to secure a high quality finish. The development would also not have a harmful impact on neighbouring amenity, subject to adequate mitigation measures and adequate parking arrangements have been made. The loss of 6 trees is noted as regrettable, but the identified health and wellbeing benefits are considered to far outweigh the very low level of harm which would be caused as a result of the loss of the trees. The application should therefore be granted.

## **Conditions**

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

2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 101 (site plan), 102 (ground floor plans squash courts), 103 (first floor squash courts), and drawing 105A (boat house) submitted on 2nd July 2020 and drawing 104C (squash courts) submitted on 3rd September 2020, 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 on each phase of the development unless the tree protection measures identified in the approved application documentation have been put into place for all trees affected by that phase 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.

4 The development hereby permitted shall either:

a.) Be timetabled and carried out to avoid the bird breeding season (March to September inclusive) to prevent possible disturbance to nesting birds.

b.) Not commence on each phase of development until a qualified ecologist has been appointed by the applicant to inspect the building/vegetation to be cleared on site for each phase for evidence of nesting birds immediately prior to works. If evidence of nesting birds is found works may not proceed in that area until outside of the nesting bird season (March to September inclusive) or until after the young have fledged, as advised by the ecologist.

Birds can nest in many places including buildings, trees, shrubs, dense ivy, and bramble/rose scrub. Nesting birds are protected under the 1981 Wildlife and Countryside Act. **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.

5 No development shall take place on each phase of the development until a detailed surface water drainage scheme for that phase, based on sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall include the following information:

- Demonstrate that the surface water drainage system(s) are **designed in accordance with 'The SuDS Manual'**, CIRIA Report C753 through the submission of plans and cross sections of all SuDS features. This should include measures taken to prevent groundwater ingress to the attenuation and manage the risk of floatation from high groundwater levels.
- Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to the QBar Greenfield runoff rate of 3.0 l/s.
- Demonstrate the provisions of surface water run-off attenuation storage are provided in accordance with the requirements specified in **'Science Report SC030219 Rainfall Runoff Management for Developments'**.
- Demonstrate detailed design (plans, network details and calculations) of the surface water drainage scheme including details of all attenuation and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change return periods. The calculations should be supported by a plan of the drainage network with all manholes and pipes labelled accordingly.

**REASON:** To prevent the increased risk of flooding; to improve and protect water quality; and to improve habitat and amenity in accordance with Policies FW1, NE3 and BE3 of the Warwick District Local Plan 2011-2029.

6 No development on each phase shall take place until:

a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work has been submitted to and approved in writing by the Local Planning Authority for that phase.

b) the programme of archaeological evaluative fieldwork and associated post-excavation analysis and report production detailed within the approved WSI has been undertaken for that phase. A report detailing the results of this fieldwork, and confirmation of the arrangements for the deposition of the archaeological archive, has been submitted to the planning authority.

c) An Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) has

been submitted to and approved in writing by the Local Planning Authority for that phase. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.

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

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

7 Each phase of the development hereby permitted (including any works of demolition) shall not commence unless and until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority for that phase. The CMP shall provide for: details of any temporary measures required to manage traffic during construction, plans and details for the turning and unloading and loading of vehicles within the site during construction, dust suppression, noise and vibration, demolition or clearance works, details of wheel washing, site working hours and delivery times, restrictions on burning and details of all temporary contractors buildings, plant and storage of materials associated with the development process. A model CMP can be found on the Council's website ([https://www.warwickdc.gov.uk/downloads/file/5811/construction\\_management\\_plan](https://www.warwickdc.gov.uk/downloads/file/5811/construction_management_plan)) or by searching 'Construction Management Plan'. The development hereby permitted shall only proceed in strict accordance with the approved CMP. **REASON:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029.

8 No phase of the development shall commence unless and until a hard and soft landscaping scheme for that phase has been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works for each phase shall be completed in full accordance with the approved details within three months of the first occupation of the development within that phase; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective



or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.

- 9 No development of each phase shall be carried out above slab level until details of the finished floor levels of all buildings, together with details of existing and proposed site levels on the application site and the relationship with adjacent land and buildings have been submitted to and approved in writing by the local planning authority for that phase. The development shall be carried out in strict accordance with these approved details or any subsequently approved amendments. **REASON:** To ensure sufficient information is submitted to demonstrate a satisfactory relationship between the proposed development and adjacent land and buildings in the interests of amenity in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 10 No development for each phase shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority for that phase. The development shall only be carried out in accordance with the approved details. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
- 11 No development of each phase shall be carried out above slab level unless and until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), and the balcony at a scale of 1:5 (including details of materials) have been submitted to and approved by the Local Planning Authority for that phase. The development shall not be carried out otherwise than in strict accordance with such approved details. **REASON:** To ensure an appropriate standard of design and appearance within the Conservation Area and setting of listed buildings, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029.
- 12 No occupation and subsequent use of each phase of the development shall take place until a detailed maintenance plan, written in accordance with CIRIA C753, is implemented and provided to the LPA giving details on how surface water systems shall be maintained and managed for the lifetime of the development for each phase. The name of the party responsible, including contact name and details, shall be provided to the LPA and LLFA within the maintenance plan. **REASON:** To ensure the future maintenance of the sustainable drainage structures in accordance with the requirements of policy FW2 of Warwick District Local Plan 2011 - 2029.

13 There shall be no use of the development hereby approved until a scheme for the monitoring of the "Car Park and Traffic Management Strategy: 2020" submitted on 18th March 2020 has been submitted to and agreed in writing by the Local Authority. Thereafter, the development shall be monitored in accordance with the approved details. **REASON:** To ensure that adequate access arrangements to the site are provided in accordance with Policy TR1 of the Warwick District Local Plan 2011 - 2029.

14 No lighting or illumination of any part of the buildings or site shall be installed until a detailed lighting scheme has been submitted and agreed between the applicant and the local planning authority for each phase of the development, which shall also include lighting spillage from the approved buildings. In discharging this condition the District Planning Authority expects lighting to be restricted around the boundary edges, along the river, 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:

- **Lighting should be directed away from the river and vegetated areas**
- **Lighting should be shielded to avoid spillage onto the river and vegetated areas**
- **The brightness of lights should be as low as legally possible**
- **Lighting should be timed to provide dark periods**

The use of the lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details. **REASON:** To ensure that protected species are not harmed by the development, so that the development would have an acceptable impact on neighbouring amenity and so that the lighting respects the sensitive nature of the site and heritage assets in accordance with Policies NE2, BE3 and HE1 of the Warwick District Local Plan 2011 - 2029.

15 Each phase of development hereby permitted shall not be used until a scheme which satisfies the requirements set out in the Council's adopted Air Quality and Planning Supplementary Planning Document (January 2019) 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.

16 Noise arising from plant or equipment hereby permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech,

hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **REASON:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

- 17 No development shall be carried out above slab level of the squash courts unless and until details of a noise mitigation scheme for the squash courts has been submitted to and approved in writing by the local planning authority. The development shall not be used until the mitigation measures have been completed in full accordance with the approved details, and shall be retained thereafter. **REASON:** To ensure that the level of noise emanating from the building is confined to levels which would not cause unacceptable disturbance to the detriment of the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.
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**Planning Committee:** 21 October 2020

**Item Number:** 5

**Application No:** [W 20 / 0668](#)

**Registration Date:** 30/04/20

**Expiry Date:** 25/06/20

**Town/Parish Council:** Rowington

**Case Officer:** Dan Charles  
01926 456527 Dan.Charles@warwickdc.gov.uk

**Old Beams, Lapworth Street, Bushwood, Lowsonford, Henley-in-Arden,  
B95 5HJ**

Erection of new dwelling FOR Mr P Jinks

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

## **Recommendation**

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

## **Details of the Development**

The proposal is for the erection of a 3 bedroom, two storey detached dwellinghouse on an area of land currently used for car parking within the garden of the existing dwelling known as Old Beams.

The proposed dwelling is to be constructed of a combination of brick and timber frame design with a gable feature to the front and two side facing gabled dormers.

The proposed dwelling is to be served by the access to the existing dwelling and this access would be shared between the properties.

## **The Site and its Location**

The application site lies in an elevated location between two existing dwellings within the village of Lowsonford.

The character of the area is defined by well-spaced, detached dwellings of individual design. The site is located within the Lawsonford Conservation Area and directly opposite the site is the Grade II Listed Fleur de Lys Public House.

The site is washed over by Green Belt. Lawsonford is identified within the Local Plan as a Limited Growth Village.

## **Planning History**

W/17/1721 – Erection of new dwelling – Granted 08.11.2017

W/17/0079 - Erection of new dwelling – Withdrawn 29.06.2017

W/12/0125 - Erection of two storey extension to side and rear – Granted 20.06.2012

## **Relevant Policies**

- National Planning Policy Framework

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

- DS5 - Presumption in Favour of Sustainable Development
- DS18 - Green Belt
- H0 - Housing
- H1 - Directing New Housing
- H11 - Limited Village Infill Housing Development in the Green Belt
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice
- TR3 - Parking
- CC1 - Planning for Climate Change Adaptation
- FW2 - Sustainable Urban Drainage
- FW3 - Water Conservation
- HE1 - Protection of Statutory Heritage Assets
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources

### **Guidance Documents**

- The 45 Degree Guideline (Supplementary Planning Guidance)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Parking Standards (Supplementary Planning Document)
- Air Quality & Planning Supplementary Planning Document (January 2019)

## **Summary of Representations**

**Rowington Parish Council:** Objection:

- Old Beams is within the Lowsonford Conservation Area. It is in one of the most prominent parts of the village, directly opposite the Grade II listed Fleur de Lys Public House. The proposed dwelling and garage are considered both too large and overbearing.
- Removal of ancient hedgerow and loss of habitat has already taken place without any permission.
- There is damage to the environment and a huge impact to the street vista. The houses in this location are characterised by being widely spaced and often have green spaces between them.
- There is no green space left at all around Old Beams now on either side.
- This application does not preserve the sense of open space, in such a rural location. It represents urbanisation and should be refused.
- Furthermore, the Parish Council has noted and supports the submission from WCC relating to the visual impact of the proposal on the character and setting of the Conservation Area, and the need to maintain views from the pub to the wider landscape beyond, which are important considerations.
- The cumulative effect of the increased footprint of the building, together with sunroom and detached garage, creates an 'overdeveloped' feel which is not in keeping with the general character of the village and does not maintain a visual gap through the site. The visual gap appears to have been reduced by more than half from the previous proposal due to the increase of built form. Regardless of the roof height or materials used, the additional built form still serves to close this gap.

**WDC Conservation:** Objection to original scheme on the basis that the proposal is ultimately considered harmful to the setting of the listed public house opposite the site and Lowsonford Conservation Area through infilling a traditional gap in street scene, imposing on views to and from the countryside and the overall massing and bulk of the proposals resulting in an overdevelopment of the plot. There is no sufficient public benefit to outweigh the less than substantial harm caused to these designated heritage assets, contrary to HE1 and heritage policies of the NPPF.

Following negotiations to reduce the scale of the scheme:

Happy that the revised proposal is now more akin to the original approval, with a considerably reduced side projection. This allows the visual separation and gap to be retained between the application site and adjacent property, which forms part of the appearance and character of the CA. Glad to see that the garage has been removed too. I therefore have no objection.

**WCC Ecology:** Recommend ecological appraisal to provide biodiversity enhancements.

**WCC Landscape:** Objection: The cumulative effect of the increased footprint of the building, together with sunroom and detached garage, create an 'overdeveloped' feel which is not in keeping with the general character of the village and does not maintain a visual gap through the site. The visual gap appears to have been reduced by more than half from the previous proposal due to the increase of built form. Regardless of the roof height or materials used, the

additional built form still serves to close this gap. An arboricultural report in accordance with BS5837:2012 should be provided, detailing any trees and hedgerows to be removed and protection methods for those to be retained. A landscape scheme should be provided, which should use species appropriate to the site's location within the Ancient Arden landscape. The proposal should seek to retain and enhance the well-vegetated character of the road.

**WCC Highways:** No objection.

**WCC Archaeology:** Recommend Written Scheme of Investigation.

**Inland Waterways Association:** No objection.

**Canal and River Trust:** No comment.

**Public Response:** A total of 9 letters of objection have been received on the following grounds:

- Overdevelopment in rural village.
- Could result in traffic difficulties.
- Additional car usage.
- Vista within Conservation Area will be damaged.
- Modern design not in keeping.
- Will have urbanising impact.
- Out of scale and spirit with village.
- Harm to wildlife habitats.
- Loss of hedgerow.
- Harm to Grade II Listed Building opposite site.
- Loss of visual gap.
- Does not in any way ensure a satisfactory relationship between the proposed development and adjacent land and buildings.

## **Assessment**

### **History/Background**

The initial planning application for a new dwelling at this site submitted in 2017 (ref: W/17/0079) was withdrawn following discussions with Officers regarding the scale and appearance of the dwelling and what was considered to be a detrimental visual impact on the character and appearance of the Conservation Area and setting of the Listed Building, known as the Fleur de Lys Public House, due to the closure of an important visual gap through the site.

The revised application sought permission for a reduced scale of development on the site to address the previous concerns. This was referred to Planning Committee due to the level of objection and an objection from the Parish Council. The application was subsequently granted by the Committee and the decision issued on 8 November 2017.

The application now under consideration seeks revisions to the approved scheme to increase the scale of the development. Through the course of the application, the scheme has been the subject of ongoing negotiations between the applicant

and Officers to achieve a scheme that is considered acceptable. The key revisions are;

- The omission of a detached double garage/car port from the frontage of the site.
- The omission of a first floor dormer/wing to the southern side elevation.
- The reduction in the side projection at first floor level to create dormer windows in lieu of a two storey side projection.

### **Principle of Development**

Lowsonford is identified as a Limited Infill Village under Policy H1 of the Warwick District Local Plan. This policy allows for some development within these locations where it is acknowledged that there is potential for a small level of growth that will support the services in nearby growth villages. A dwelling in this location has been granted planning permission under the provisions of the adopted Local Plan.

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

As the site lies within the West Midlands Green Belt, the proposal must be assessed against Policy DS18 of the Local Plan. The policy states that development must be in accordance with the National Planning Policy Framework (NPPF) Green Belt provisions. Paragraph 145 states that the construction of new buildings in the Green Belt are inappropriate but lists limited infilling in villages as an exception.

The site lies within the West Midlands Green Belt and Paragraph 89 allows for limited infilling within the Green Belt where this complies with Local Plan Policies.

Policy H11 of the Warwick Local Plan refers to limited infill housing sites within the Green Belt and allows for developments within identified Limited Infill Villages where the following criteria are met;

- 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.

The proposal is for a single dwelling which is proposed to sit between existing dwellings and has a frontage addressing the road. The proposed dwelling has been designed to be subservient in scale to the host dwelling and the adjacent property. The dwelling appears in the street scene as a coach house set against the side boundary of the property with a visual gap between the proposal and the host property. Officers are satisfied that the development complies with Policy H11 and the proposal is considered to constitute appropriate development in the Green Belt.



## **Design and impact on visual amenity and the character of surrounding area and Lawsonford Conservation Area**

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

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

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

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

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

The distinctive built form in this location is of widely spaced detached dwellings on sizeable plots creating a sense of low density built form that retains a spacious character of development that reflects the rural nature of the village.

Following guidance from the Conservation Officer, the previously approved dwelling was reduced in scale from that which was originally proposed. The revised design now proposed seeks to enlarge the scale of the approved dwelling to provide improved living accommodation.

As before, the key design ethos is a simple coach house design under a gabled roof. The frontage has been designed to replicate the openings of a coach house style building with infill glazing to retain the original plan form. This simple frontage together with the building's siting creates a simple design forms when viewed from the public domain.

The key elements of the change are an increase in the plan depth of the dwelling, the erection of a single storey lean-to element to the side (southern) elevation, the erection of two side facing dormers to the north elevation and a low profile garden room is also proposed to the rear.

The scheme has been the subject of negotiation between the applicant and Officers to reduce the overall projections to the side to be within the existing roof plane on the northern elevation to retain the visual gap through the site that was sought

on the earlier scheme. In addition, the omission of the first floor dormer element on the southern elevation retains the visual gap between the proposed dwelling and the adjacent neighbour to the south. The detached car port building to the front of the dwelling originally proposed as part of this application has also been omitted.

These revisions have been assessed by the Conservation Officer and in their current form are considered to retain the important visual gaps that connect the Listed Public House with the wider open countryside and retain the character and appearance of the Conservation Area. No objection is raised to the revised proposal.

Subject to the sensitive use of materials and large scale details, the proposed dwelling is considered to preserve the character and appearance of the Conservation Area in this location and is therefore accords with Policy HE1 of the Local Plan.

It is also considered appropriate to removed permitted development rights from the new dwelling in order that the Local Planning Authority can retain control over any future additions or alterations in the interests of the character and appearance of the Conservation Area.

### **Impact on the setting of the Listed Building**

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

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

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

The key Listed Building is the Fleur de Leys Public House that is directly opposite the site on the other side of the public highway. The previously withdrawn scheme proposed a dwelling that spanned almost the entire width of the infill plot which was considered to sever an important link between the Listed Building and the wider open countryside beyond.

This scheme follows on from the earlier approved, revised scheme and seeks permission for a dwelling which retains the narrower plan form and is designed to retain the appearance of a coach house style building. It is noted that the proposal now includes side facing dormers to provide improved accommodation at first floor. These were reduced during the course of the application so that they are set within the roof span to retain the visual gaps through the site. The side projection at first floor level on the southern elevation was omitted from the scheme as a result of these negotiations.

The important element is that the siting of the proposed dwelling retains the important visual gap within the street scene by providing an open aspect through the site that is an important element of the wider setting of the Listed Building.

The scheme, as amended, is considered to retain the importance visual gaps that form part of the historic setting of the Fleur de Leys Public House.

These revisions have been assessed by the Conservation Officer and in their current form are considered to retain these important visual gaps that connect the Listed Public House with the wider open countryside and no objection is raised to the revised proposal.

The scheme is therefore considered to preserve the character and setting of the Listed Building and therefore accords with Policy HE1 of Local Plan.

### **Impact on adjacent properties**

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

Whilst the proposed development is in close proximity to the neighbouring properties, the side to side relationship and predominantly front and rear facing windows would not have a harmful impact on the adjacent properties by virtue of overlooking. The dormer to the side faces onto the blank gable wall of the existing dwelling

The side to side relationship also ensures that there is no harm to neighbouring properties from an overbearing impact and no part of the proposed dwelling breaches the 45 degree line as drawn from neighbouring properties.

The proposal is therefore considered to accord with Policy BE3 of the Local Plan.

### **Amenity of future occupiers**

Policy BE3 of the Warwick District Local Plan states that new development will not be permitted that does not provide acceptable standards of amenity for future occupiers of a development.

All primary rooms within the proposal have access to acceptable levels of light and outlook via appropriately sized windows. In addition, the external amenity space proposed is significant.

The proposal is therefore considered to accord with Policy BE3 of the Local Plan.

### **Parking & 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 site has an existing access to the highway that serves the current dwelling. It is proposed to retain this access and use it for access to the new dwelling. There is sufficient visibility at the access in both directions. The scheme also proposes sufficient parking and turning space for both the existing and proposed dwellings in accordance with the Council's Parking Standards SPD.

The proposal is therefore considered acceptable having regard to 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 recommended that ecological enhancements are secured to ensure no net biodiversity loss. The predominant area of the land is currently hardstanding so the biodiversity is limited. It is noted that the extant permission allowed for the removal of the trees/hedge. The proposal would provide an enhanced level of landscaping with more appropriate species and Officers are satisfied that this additional planting would result in a biodiversity net gain. The landscaping details are to be secured by planning condition.

The proposal is therefore considered acceptable having regard to Policy NE3.

### **Trees/ Hedgerows**

The current site is an open area of hardstanding with a hedgeline separating the hardstanding from the rear garden area currently serving Old Beams. The proposal would require the removal of the hedgeline and this was allowed on the extant permission. This hedgeline is species poor and the removal would not result in any significant harm. The proposed development seeks to retain trees and hedgerow that form the boundary of the site with The Bank House and these elements can be protected by an appropriate condition. In addition, replacement tree and hedgerow planting is to be secured through a landscaping condition.

It is therefore considered that the proposed development can be satisfactorily provided on the plot without harm to the existing boundary hedges and trees between the plots. The provision of a landscaping scheme would also increase the potential for new trees and hedgerows leading to a net gain in biodiversity.

### **Archaeology**

The proposed development lies within an area of significant archaeological potential; A probable medieval roadside settlement which lies on the eastern edge of former Common Land at Bushwood (Warwickshire Historic Environment Record MWA9455) which was in use as such during the medieval to post-medieval periods. The proposed development is located directly opposite the Grade II Listed

Fleur de Lys Public House, a 15th Century timber framed building with later additions. The site also lies adjacent to a former smithy, known as Old Beams, which is shown on an 1847 tithe map for the Parish of Rowington. There is therefore a potential for archaeological deposits associated with activity from at least the medieval period and later to survive across this area. Any such deposits may be disturbed by the proposed development. The County Archaeologist has therefore recommended that Archaeological works are secured by condition.

### **Waste Storage**

Adequate space is available within the site for storage of bins and the site would be subject to the normal kerbside collection.

### **Sustainable Energy Matters**

A key element of the proposal is the energy efficiency of the proposed dwelling. The applicants have provided details of the energy efficiency measures proposed with the dwelling which include very high levels of energy efficiency through the use of high levels of insulation and air tightness to reduce the demand for energy at source.

In addition to this fabric first approach, the scheme also proposes further energy saving measures such as a heat recovery system and the use of an air source heat pump. The result is that the scheme will not be reliant on oil-fired central heating to provide heating for the proposed dwelling.

### **Other matters**

Water efficiency and an EV charging point to satisfy Policies FW3 and the Air Quality SPD can be secured by condition.

### **Conclusion**

Officers have considered the proposed development against the Policies of the Warwick Local Plan. Having assessed the site specific details of the proposal, Officers are satisfied that the scheme complies with Policy H11 of the Warwick Location Plan, specifically criterion c) which seeks to ensure that the site does not **harm the integrity of the village where it's loss would** have a harmful impact upon the local character and distinctiveness of the area.

The objections received have been duly noted and acted upon. As amended, it is considered that, on balance, the proposal is considered acceptable having regard to the impact on the character of the local area and Lowsonford Conservation Area, the impact on the setting of nearby Listed Buildings, the impact on the amenity of neighbouring properties and the impact on highway safety. Officers are also satisfied that the scheme would not result in harm to protected species.

### **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) 19-194.JIN-01 Rev C, 19-194.JIN-02 Rev C, 19-194.JIN-03 Rev C, 19-194.JIN-04/0 Rev C, 19-194.JIN-04/1 Rev C, 19-194.JIN-05 Rev C, 19-194.JIN-06 Rev C, 19-194.JIN-07 Rev C and 19-194.JIN-08 Rev C and specification contained therein, submitted on 25 August 2020. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1, BE3 and HE1 of the Warwick District Local Plan 2011-2029.
- 3 No part of the development hereby permitted shall be commenced until details of all earthworks, mounding and the finished floor levels of all buildings, together with details of existing and proposed site levels on the application site and the relationship with adjacent land and buildings have been submitted to and approved in writing by the Local Planning Authority and thereafter, the development shall be carried out in strict accordance with these approved details or any subsequently approved amendments. **REASON:** To ensure a satisfactory relationship between the proposed development and adjacent land and buildings in the interests of amenity in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 4 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 Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029.
- 5 No development shall take place until:
  - a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work has been submitted to and approved in writing by the Local Planning Authority.
  - b) the programme of archaeological evaluative fieldwork and associated post-excavation analysis and report production detailed within the approved WSI has been undertaken. A report detailing the results of this fieldwork, and confirmation of the arrangements for the deposition of the archaeological archive, has been submitted to the planning authority.
  - c) An Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) has been submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.

The development, and any archaeological fieldwork, post-excavation analysis, publication of results and archive deposition detailed in the

approved documents, shall be undertaken in accordance with those documents

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

- 6 No development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
- 7 No development shall be carried out above slab level unless and until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in strict accordance with such approved details. **REASON:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029. (CA). To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029. (LB). To ensure that the rural character and appearance of the barn(s) is protected, in accordance with Policies BE1 and BE4 of the Warwick District Local Plan 2011-2029. (Barn Conversions).
- 8 No development or other operations (including demolition, site clearance or other preparatory works) shall be commenced until tree and hedge protection in accordance with British Standard BS5837- 2012 (Trees in Relation to Design, Demolition & Construction) to all tree(s) on the site, or those tree(s) whose root structure may extend within the site and which are within the Lawsonford Conservation Area has been provided on site and shall be retained for the duration of the development. 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 be carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage

or injury to the tree(s). **REASON:** To protect those trees which are of significant amenity value to the area and which would provide an enhanced standard of appearance to the development in accordance with Policy NE1 of the Warwick District Local Plan 2011-2029.

- 9 No development above slab level shall commence until details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. Details of hard landscaping works shall include boundary treatment, including full details of any proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.
- 10 The existing access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a bound material for the first 5 metres of its length. **REASON:** In the interest of highway safety having regard to Policy TR1 and TR3 of the Warwick Local Plan 2011-2029.
- 11 The development shall not be occupied until a turning area has been provided within the site so as to enable a car to leave and re-enter the public highway in a forward gear and thereafter shall be retained in perpetuity. **REASON:** In the interest of highway safety having regard to Policy TR1 and TR3 of the Warwick Local Plan 2011-2029.
- 12 The development hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved has been submitted to and approved in writing by the Local Planning Authority. No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **REASON:** To ensure the



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

- 13 Prior to the occupation of the dwelling(s) hereby permitted, one 16amp (minimum) electric vehicle recharging point (per dwelling) shall be installed in accordance with details first submitted to and approved in writing by the Local Planning Authority (LPA). Once the electric vehicle recharging point(s) has been installed, the following verification details shall be submitted to and approved in writing by the LPA: (1). Plan(s)/ photograph(s) showing the location of the electric vehicle recharging point(s); (2). A technical data sheet for the electric vehicle recharging point infrastructure; and (3). Confirmation of the charging speed in kWh. Thereafter the electric vehicle recharging point(s) shall be retained in accordance with the approved details and shall not be removed or altered in any way (unless being upgraded). **REASON:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document.
- 14 Noise arising from the air source heat pump hereby permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **REASON:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.
- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no further development shall take place within the curtilage of the dwellinghouse hereby permitted. **REASON:** That having regard to the design, layout and general nature of the proposed development it is important to ensure that no further development is carried out which would detract from the appearance of the area and affect the amenity of adjacent properties.
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**Planning Committee:** 21 October 2020

**Item Number:** 6

**Application No:** [W 20 / 0852](#)

**Town/Parish Council:** Shrewley

**Case Officer:** Rebecca Compton

01926 456544 rebecca.compton@warwickdc.gov.uk

### **104 Shrewley Common, Shrewley, Warwick, CV35 7AW**

Demolition of existing barn and change of use of land to station a mobile home for use as dwelling FOR Mr H Lowe

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

### **Recommendation**

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

### **Details of the Development**

The proposal seeks a change of use of land to residential for the stationing of a caravan to be used a dwelling.

### **The Site and its Location**

The application site consists of agricultural land situated to the rear of the existing dwelling at No.104 Shrewley Common. The site shares the same access as the host dwelling at No.104 Shrewley Common and the access track runs adjacent to the garden land serving No.104. The land wraps around the rear gardens of the dwellings along Shrewley Common and the caravan is proposed to be sited at the end of the rear garden of No.102 Shrewley Common. The site is washed over by Green Belt.

### **Planning History**

None relevant.

## Relevant Policies

- National Planning Policy Framework
- **Warwick District Local Plan 2011-2029**
- DS18 - Green Belt
- BE1 - Layout and Design
- BE3 - Amenity
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE5 - Protection of Natural Resources
- TR1 - Access and Choice
- TR3 - Parking
- H1 - Directing New Housing
- H11 - Limited Village Infill Housing Development in the Green Belt
- **Guidance Documents**
- Parking Standards (Supplementary Planning Document)
- Air Quality & Planning Supplementary Planning Document (January 2019)

## Summary of Representations

**Shrewley Parish Council:** Support the application provided that the mobile home is only retained for the applicant's elderly parents for as long as they require care.

**Public Response:** 1 letter of objection has been received from the neighbouring property raising concerns over loss of privacy, loss of light and impact on their amenity. Other concerns have been raised including impact on the rural character and inappropriate development in Green Belt.

## Assessment

### Whether the proposal falls within the definition of a caravan

A caravan is defined in Section 29 of the Caravan Sites and Control of Development Act 1960 as any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any other motor vehicle so designed or adapted, but does not include a) any railway rolling stock which is for the time being on rails forming part of a railway system, or b) any tent.

A brochure has been provided of the caravan; The caravan is a single unit with a detachable tow bar and so can be transported on and off site easily. The caravan is not required to be constructed on site and can be transported by road.

The caravan is considered to meet the definition of a caravan. As such the caravan itself does not constitute development requiring planning permission.

## **The principle of residential development**

The permanent occupation of a caravan where the caravan is not located within the curtilage of a dwelling nor is incidental to the enjoyment of the dwellinghouse constitutes the creation of a new dwelling (Use Class C3).

Local Plan Policy H1 states that new housing will be permitted in Growth Villages and Limited Infill Villages as shown on the Proposal Maps. Shrewley Common is identified as a Limited Infill Village and therefore the development could be acceptable in principle *if* it meets the definition of limited infilling in accordance with Local Plan Policy H11, which is explored in more detail below.

Policy H11 of the Local Plan allows housing in Limited Infill Villages in the Green Belt. The policy defines limited infilling as acceptable as long as the development comprises of no more than two dwellings, infills 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 as long as the site does not form an important part of the integrity of the village, the loss of which would have a harmful impact upon the local character and distinctiveness of the area.

Therefore, although the site lies within a limited infill boundary, since the application site sits behind the existing built up frontage along Shrewley Common and would be in an isolated position behind the existing linear pattern of development along Shrewley Common, the proposal fails to satisfy the Council's definition of limited infilling and the requirements of Local Plan Policy H11 and is contrary to Local Plan Policy H1.

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

The application site is located within the designated Green Belt. The NPPF is explicit that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and substantial weight should be attached to the harm arising due to the inappropriate nature of the development in accordance with the NPPF.

Paragraph 145 of the NPPF makes it clear that the construction of new buildings is inappropriate development in the Green Belt, unless they fall within one of the exceptions listed. However, since the proposal is for a caravan which is not in itself, development, this is not directly applicable. Paragraph 146 of the NPPF states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. Included in the list at (e) are material changes in the use of land.

The application site is an existing parcel of land which is currently occupied by single storey timber framed buildings and structures that relate to the wider agricultural use of the land. The site currently consists of agricultural buildings and

open land. The change of use of land for the siting of the caravan would introduce an urbanising feature that will be at odds with the immediate rural setting. The siting of a caravan would also in itself be harmful to the openness of the Green Belt. Moreover, the use of the caravan as a dwelling would be likely to lead to associated domestic paraphernalia around the caravan which would add further urbanising features that would encroach on the open countryside and the rural setting as well as harming openness.

The proposal is considered to constitute inappropriate development in the Green Belt which is harmful by definition and by reason of harm to openness.

It has been put forward by the applicant that a temporary permission could be issued that would ensure the development would not be a permanent feature and shall only be retained for the purpose of providing accommodation for the applicant's elderly parents. Officers have considered this and are of the opinion that this would not address the impact on the openness of the Green Belt that the proposal would present for any period of time the caravan was in situ. It would also set an undesirable precedent for similar development across the district's Green Belt.

### **Design and impact on the street scene**

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

The proposal would introduce an urbanising feature on land that is rural in character. The application site is located to the rear of the existing garden serving 104 Shrewley Common and would not be read in the same context as the existing dwelling and its curtilage. Whilst the site would not be visible from the wider area it would be visible from the rear of the existing dwellings along Shrewley Common. Therefore at a more localised level the caravan would create an urbanising feature in a rural context which is harmful to the immediate setting. Whilst the proposal seeks to replace an existing structure, the existing structure clearly reads as a rural building whilst a caravan for the purposes of a self-contained dwelling together with associated domestic clutter would be harmful to the rural character of the area.

The proposal is not considered to comply with Local Plan Policy BE1.

### **Impact on the amenity of neighbouring properties**

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

The proposed caravan would be sited at the end of the garden serving 102 Shrewley Common. Concerns have been raised by this neighbour that a caravan would be harmful to their outlook, light and privacy. It is also noted that the brochure of the caravan provided indicates windows situated along this boundary that would face into the rear garden of No.102 Shrewley Common. If permission were to be granted the Council would have no control over the type or size of the caravan to be sited here provided it met the definition of a caravan. Concerns over overlooking and loss of privacy could be addressed by providing screening along the boundary. The land to the rear of the garden falls and so the caravan would be set at a lower level to the garden thus reducing its impact.

The caravan would be sited over 40m from the dwelling at No.102 Shrewley Common and officers consider that this distance is sufficient to not cause loss of light or outlook from the existing dwelling.

The proposal is considered to comply with Local Plan Policy BE3.

### **Parking**

The proposed caravan would share the same access serving the existing dwelling accessed off Shrewley Common. The existing dwelling benefits from front driveway parking and a long access drive that leads to the rear of the garden and the application site.

The existing dwelling benefits from front driveway parking and so their parking provision will not be impacted by the development. The access drive leading to the site is of a sufficient size to accommodate several vehicles.

The proposal would therefore provide adequate parking provision for the existing dwelling and the proposed dwelling in accordance with Local Plan Policy TR3 and the adopted Parking Standards SPD.

### **Air Quality**

The proposal would result in additional vehicle movement associated with the use of the caravan as a dwelling. As such an electric vehicle charging point will be necessary to comply with the Council's Planning & Air Quality SPD. This could be secured by condition in the event that planning permission were to be granted.

### **Conclusion**

The development seeks a change of use of land for the siting of a caravan as a separate dwelling. The development would harm the openness of the Green Belt and would introduce an urbanising feature that encroaches on the open countryside which is contrary to the aims of Green Belt and would be harmful to the character of the immediate setting. Furthermore, the development would introduce a new dwelling in an unsustainable location that does not comply with Local Plan Policies H1 and H11.

## Refusal Reasons

- 1 Paragraph 146 of the NPPF sets out other forms of development that are not inappropriate development provided they preserve openness and do not conflict with the purposes of including land within it. This includes changes of use of land.

The development involves the change of use of land to residential for the purposes of siting a caravan as a separate dwelling. The fundamental aim of Green Belt is to prevent urban sprawl by keeping land permanently open. The proposal would introduce an urbanizing feature in a rural setting which would encroach on the countryside and would not preserve the openness of Green Belt.

The proposal would therefore constitute inappropriate development in the Green Belt which would be harmful by definition and by reason of harm to openness. There are no very special circumstances which outweigh the harm identified.

- 2 Policy BE1 of the Warwick District Local Plan 2011-2029 states that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design. Policy BE1 requires all development to respect surrounding buildings in terms of scale, height, form and massing, and use appropriate materials to ensure that it does not detract from the character of the local area.

The proposal would introduce an urbanizing feature in a rural setting which would encroach on the countryside and would be harmful to the character of this area. The siting of a caravan on this site would likely lead to domestic paraphernalia surrounding the caravan which would add further urbanizing features that would encroach on the open countryside and the rural setting.

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

- 3 Local Plan Policy H1 states that new housing will be permitted in Growth Villages and Limited Infill Villages as shown on the proposal maps. Shrewley Common is identified as a Limited Infill Village and therefore the development could be acceptable in principle *if* it meets the definition of limited infilling in accordance with Local Plan Policy H11. The policy defines limited infilling as acceptable as long as the development comprises of no more than two dwellings, infill's 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 as long as the site does not form an important part of the integrity of the village, the loss of which would have a harmful impact upon the local character and distinctiveness of the area.

The application site is situated behind the existing row of dwellings along Shrewley Common and so is not considered to infill a small gap along an otherwise largely uninterrupted built up frontage, which is visible as part of the street scene. Furthermore, the corner plot is considered to be an important part of the integrity of the village as it reinforces the rural edge of the village and the rural character of the area. The proposal would therefore introduce a new dwelling in an unsustainable location that does not comply with the requirements of Policies H1 and H11.

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**Planning Committee:** 21 October 2020

**Item Number:** 7

**Application No:** [W 20 / 0966](#)

**Registration Date:** 29/06/20

**Expiry Date:** 27408/20

**Town/Parish Council:** Warwick

**Case Officer:** Andrew Tew  
01926 456555 Andrew.Tew@warwickdc.gov.uk

**45 Brook Street, Warwick, CV34 4BL**

Erection of timber pergola to outdoor seating area with sliding canvas sun shade over. FOR Dough and Brew

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This application is being presented to Members of the Planning Committee due to an objection from Warwick Town Council and the amount of public responses, both in support and objection.

**Recommendation**

Planning Permission is recommended to be REFUSED.

**Details of the Development**

Planning permission is sought for the erection of a timber pergola to an outdoor seating area with sliding canvas sun shade over.

**The Site and its Location**

The application relates to a restaurant on the ground floor of a mixed use building called Westgate House comprising office accommodation on the second and third floors. The site is situated on the north western side of Market Street in Warwick, within the town centre boundary.

The site is located within the Warwick Conservation Area and is in close proximity to listed buildings, including the Grade II listed Congregational Chapel and Wootton House opposite.

The application is sited on private land. There is street furniture provided by the owner in the location.

## Planning History

W/15/1319 - Change of use from Use Class A1 (shop) to Use Class A3 (Restaurant & Cafe) and installation of extraction flue to rear of property

## Relevant Policies

- National Planning Policy Framework

### Warwick District Local Plan 2011-2029

- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets

## Summary of Representations

**Warwick Town Council** - Objection. In support of WDC's Conservation Officers response.

**WDC Conservation** - Objection. Out of keeping with the Conservation Area and street scene, effect on nearby listed buildings, poor quality construction.

**WCC Highways** - No objection

**WCC Ecology** - No objection

Public response. 124 responses in support and 16 objections received.

Responses in support can be summarised as:

- Entirely on private property
- Businesses need support during pandemic
- Enables social distancing
- Aesthetic improvement to area
- Good use of outdoor space
- Encourages visitors into town
- Improves unused/redundant corner of town
- Public access considered
- Looks great
- Proposed planting great
- Asset to Warwick
- **Doesn't take up pavement space**

Objections can be summarised as:

- No space for pedestrians and disabled people
- Constructed on public land
- Blocks seating provided by WDC

- Constructed within Conservation Area
- Effect on trees
- Fire hazard
- Use of outdoor lighting
- Visual intrusion
- Noise
- Materials used out of keeping with area
- Commentator wants to build pagoda on statue of Randolph Turpin

## **Assessment**

### **Impact on the character and appearance of the surrounding Conservation Area and Listed Buildings**

There is a statutory requirement through Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 that authorities should have special regard to the desirability of preserving or enhancing the character or appearance of any Conservation Area, as well as through Section 66 that authorities should have special regard to the desirability of preserving any Listed Building, its setting or any features of special architectural or historic interest that it possesses.

Policy BE1 (Layout and Design) of the Warwick District Local Plan seeks to ensure that the design and layout of development proposals is of a high standard in terms of design and retains the character of the area.

Policy HE1 (Designated Heritage Assets and their setting) states that where development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimum viable use. This policy adds that in considering applications relating to listed buildings or 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. The structure does not present such a degree of public benefit to outweigh the harm caused to the setting of the conservation area and listed buildings.

Policy HE2 (Conservation Areas) 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'*.

WDC Conservation have been consulted and comment that the design of the proposed pergola and the use of un-treated timbers in such a prominent location is not in-keeping with the character and appearance of the street scene or the wider conservation area. Additionally, the structure is flimsy in appearance, being constructed of thin, low quality timber. They expect any structure erected in the heart of historic Warwick to be of high quality materials and design. They also note concerns that the proposed plans and elevations do not align with what is being shown in the proposed visualisation (or indeed what has already been partially constructed on site). The application site lies in close proximity to listed buildings, including the Grade II listed Congregational Chapel and Wootton House opposite, and the works would therefore impact upon the setting of listed buildings.

Whilst the application is adjacent to a modern building, the impact on views of surrounding listed buildings within the Conservation Area has an undesirable effect and is out of keeping. The overall design of the structure is not of high quality, as required by Policy BE1, and detracts from the character of the area.

Taking the response of the Conservation Officer into consideration the application is in conflict with Policies BE1, HE1 and HE2.

### **Impact on Local Amenity**

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

Public comments relating to noise are acknowledged. WDC Environmental Health have been consulted and raise no objection on noise grounds. They do note the proximity of residents to the application site on Brook Street and point to The Business and Planning Act 2020 which has recently been introduced to help restaurants and drinking premises maintain social distancing by granting temporary pavement licenses upon application to the local licensing authority. This provision allows businesses to place removable furniture on pavements outside their premises up until the 30th September 2021 without the need for planning permission.

To ensure consistency with the Business and Planning Act 2020, Environmental Health recommends that temporary planning permission is granted up until 30th September 2021 after which the applicant must either remove the structure, extend the time-limit of the temporary planning permission, or apply to permanently retain the structure providing that there have been no harmful impacts on local residents. They would also recommend a suitably worded planning condition that shall require the use of the outdoor seating area to cease at 22:30 on each night and that all furniture must be rendered unusable until 10:00am on the next working day. However, all of the above stipulated conditions are already in place and controlled by the Premises Licensing dated 27/03/2018. Additionally, the application is for a permanent planning permission and will be assessed on this basis.

It is of the opinion of the LPA that noise generated from a licensed premises within a town centre is to be expected by virtue of living in a town centre. The application site is restricted in its operating hours already to mitigate undue negative impact on public amenity and the granting of this application is not considered to exasperate that.

Considering the above, the application is considered to accord with Policy BE3.

### **Impact on Highway Safety**

Policy TR1 of the Warwick District Local Plan (2011-2029) requires all development to provide safe, suitable and attractive access routes for all users that are not

detrimental to highway safety. WCC Highways have been consulted and raise no objections.

There have been multiple public comments that the development would impact on the ability of pedestrians and wheelchair users to use the pavement. However, during the site visit, it is evident that the development is sited on private land and the pavement is clear of any structure, tables or chairs. Whilst pedestrians may previously have accessed the area now being used, it has always been private property.

As such, the application accords with Policy TR1.

## **Ecology**

WCC Ecology have been consulted and welcomes that the proposal retains existing trees as part of the proposed works. However, according to street photography there is lighting installed in a nearby tree (appearing to be an ash tree from street photography). WCC Ecology request a condition that this lighting be removed should permission be forthcoming, however, as this is not specific to this proposal or necessarily something that would require planning permission, it is not deemed appropriate to do so within the context of this application.

As such, the application is in accordance with Policy NE2.

## **Other Matters**

There has been significant public support and objection to this application, with many of the comments received not being material planning considerations, however, it would be beneficial to refer to these matters briefly.

In support, multiple people have commented on the need to support local businesses in these unchartered times and the use of this outside area being beneficial to the town, providing an aesthetic improvement to the area and encouraging visitors into town.

Many have objected to street furniture in place at the site now being rendered unusable by the general public. To be clear, this street furniture was provided by the owner on private land. However, the applicant with the permission of the owner has offered the street furniture to the Council to be reused elsewhere, as a gesture of goodwill.

## **Summary/Conclusion**

In the opinion of the Local Planning Authority, the development is visually harmful to the character and appearance of the street scene and fails to enhance or preserve the character of the wider Conservation Area. Those impacts have been carefully considered relative to the economic benefits that may be linked to the development, however on balance, the visual harm is considered to outweigh any such benefits. It is therefore considered that the application should be REFUSED.

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## **Reason for Refusal**

The application site is situated within a conservation area and within the setting of a number of listed buildings. Policy HE1 of the Warwick District Local Plan 2011-2029 states that, where development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimum viable use.

The design of the pergola and the use of un-treated timbers in such a prominent location is not in keeping with the character and appearance of the street scene or the wider conservation area. It appears as an incongruous addition to this historic setting. Therefore it is considered that the proposals would harm the character and appearance of the conservation area and the setting of the nearby listed buildings. There are no public benefits sufficient to outweigh this harm.

The proposals are therefore contrary to the aforementioned policies.

**List of Current Planning and Enforcement Appeals  
October 2020**

Public Inquiries

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines	Date of Inquiry	Current Position

Informal Hearings

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines	Date of Hearing	Current Position
W/19/185 8	Former Tamlea Building, Nelson Lane, Warwick.	Redevelopment for residential Purposes. <b>Committee Decision in accordance with Officer Recommendation</b>	Helena Obremski	Questionnaire: 29/5/20 Statement: 26/6/20		Awaiting Decision following Hearing.

Written Representations

Reference	Address	Proposal and Decision Type	Officer		Current Position

				Key Deadlines	
W/18/0986	Ivy Cottage, Barracks Lane, Beausale	One and two Storey Extensions <b>Committee Decision in accordance with Officer Recommendation</b>	Rebecca Compton	Questionnaire : 23/10/18 Statement: 14/11/18	Ongoing
W/19/0091	21 Northumberland Road, Leamington	Erection of Railings and Gates <b>Delegated</b>	Emma Booker	Questionnaire : 17/6/19 Statement: 9/7/19 Comments: -	Ongoing
W/19/2006	Unit 1, Moss Street, Leamington	Removal of Condition to allow for the Unrestricted Occupancy of 47 bed HMO. <b>Committee Decision in accordance with Officer Recommendation</b>	Helena Obremski	Questionnaire : 11/6/20 Statement: 9/7/20	Ongoing
W/19/1973	Wooton Grange Farm House, Warwick Road, Kenilworth	Extensions and Alterations <b>Delegated</b>	Jonathan Gentry	Questionnaire : 23/4/20 Statement: 15/5/20	Ongoing
W/19/1442	129 Warwick New Road, Leamington	Application for a Certificate of Lawful Development for a Rear Extension <b>Delegated</b>	Ankit Dhakal	Questionnaire : 6/7/20 Statement: 3/8/20	Ongoing



W/20/0185	9 Eborall Close, Warwick	First and Ground Floor Extensions <b>Delegated</b>	Ankit Dhakai	Questionnaire : 29/7/20 Statement: N/A	<b>Appeal Allowed</b>
<p>The Inspector acknowledges <b>that there would be a degree of conflict with the advice in the Council's Residential Design Guide Supplementary Planning Document (2018)</b> insofar as the side extension would not be set down from the ridge, back from the frontage, or set in from the side by 1m. However, for the following reasons, in this particular instance, he considers that this conflict with the design advice does not result in harm to the character and appearance of host dwelling or the area:</p> <ul style="list-style-type: none"> <li>• Whilst the first floor extension would be close to the plot boundary, a gap of approximately 1m to the side wall of the neighbouring dwelling (No. 10) would be retained. Furthermore, the dwellings are set at an angle to each other. Their respective positions mean the new first floor corner is set discernibly back of the front corner of No. 10. The gap between the side walls of the dwellings widens to the rear to approximately 3.5m. These factors would reduce any sense of enclosure and maintain a discernible gap and visibility between the dwellings from the front and rear. Therefore, there would not be an unacceptable terracing effect between Nos. 9 and 10.</li> <li>• The side extension would be constructed to the front wall of the existing garage, set back approximately 0.7m from the front of the existing main gable frontage. Furthermore, the side extension would comprise significantly less than half the width of the overall new frontage. Whilst the new ridge would be longer to enable it to join the existing roof ridge, the new roof slope would provide a good degree of relief and reduce the massing from the front and rear.</li> <li>• The proposed single storey rear extension would be of a modest depth, width, height, roof form and of a design in keeping with and subservient to the host dwelling. It would be adequately accommodated within the plot and is considered acceptable.</li> </ul>					
W/19/2037	Arden Hill, Lapworth Street, Lapworth	New Dwelling <b>Delegated</b>	Dan Charles	Questionnaire : 26/6/20 Statement: 24/7/20	Ongoing

W/19/0860	6 Phillipps Road, Warwick	Change of use to Garden and Erection of Fencing <b>Committee Decision in accordance with Officer Recommendation</b>	Emma Booker	Questionnaire : 22/7/20 Statement: 13/8/20	Ongoing
W/20/0329	The Threshing Barn, Finwood Road, Rowington	Extensions and Conversions <b>Delegated</b>	Emma Booker	Questionnaire : 23/7/20 Statement: N/A	<b>Appeal Dismissed</b>
<p>The Inspector noted that the existing cat slope roof projection to the barn has a shallower sloping roof than the original dwelling. Its proportion of large glass panes and stained wooden frames result in it being identifiable as a modern addition that is not entirely in keeping with the original red brick building. However, due to its depth and size it appears as a subservient addition to the historic building.</p> <p>The Inspector agreed with the Council that by extending the depth of the extension from approximately 4.3m to 6.3m, the shallower roof pitch would be significantly deeper than the steeper historic pitch on that side of the building. It would result in the modern addition no longer being subservient or sympathetic to the scale and appearance of the original building and instead it would appear to be a dominant element of the dwelling that significantly and detrimentally alters the balance and appearance due to its combination of depth, design and materials.</p> <p>With regard to the detached car port, the Inspector agreed that because of its simple frame, open frontage, gable roof and its limited width and depth, it has the appearance of a modest and subservient cart shed in keeping with the rural agricultural character of the appeal site. He considered that the proposed cross gable roof extension would significantly increases its size. The increase in size and further enclosing some of the internal space, would significantly alter the scale, appearance and character of the building and it would no longer appear as a simple and traditional re-purposed agricultural building, but rather more modern, complex and contrived. This would not be in keeping with the character or appearance of the historic barn. By adding to the enclosure of the space around the dwelling, in combination with the other proposed extension, the developments would feel cramped and they would significantly urbanise the site and detrimentally erode the rural character of the site.</p>					

W/19/1604	17 Pears Close, Kenilworth	First and Ground Floor Extensions <b>Delegated</b>	George Whitehouse	Questionnaire : 19/6/20 Statement: N/A	Ongoing
W/20/0214	Broadford House, Grovehurst Park, Stoneleigh	Boundary Features <b>Delegated</b>	George Whitehouse	Questionnaire : 19/6/20 Statement: N/A	Ongoing
W/19/1558	Land rear of 14 – 16 Randall Road, Kenilworth	Detached Bungalow <b>Delegated</b>	Helena Obremski	Questionnaire : 26/6/20 Statement: 24/7/20	Ongoing
W/19/1572	Land off Birmingham Road and A46, Warwick	2 Dwellings <b>Delegated</b>	Helena Obremski	Questionnaire : 26/6/20 Statement: 24/7/20	Ongoing
W/20/0301	102 Shrewley Common, Shrewley	Detached Garage <b>Delegated</b>	Jonathan Gentry	Questionnaire : 27/7/20 Statement: N/A	<b>Appeal Dismissed</b>

The Inspector noted that the garage would be detached and positioned some 10m from the front elevation, and whilst the garage would be used for purposes entirely ancillary to the existing dwelling, given the degree of separation, he concluded that it cannot be considered as an extension to the dwelling. As such, the proposal would be inappropriate development.

In terms of impact on openness, he considered that the development would introduce a permanent solid structure to the front of the property. As a result, both in spatial and visual terms, the openness of the Green Belt would be reduced. Although in isolation the loss of openness would be limited, nonetheless, there would be a degree of harm arising from this.

W/19/1981	115 Brunswick Street, Leamington	Change of Use to HMO <b>Delegated</b>	Rebecca Compton	Questionnaire : 4/8/20 Statement: 25/8/20	<b>Appeal Dismissed – See Enforcement Appeal</b>
W/20/0243	Pear Tree Cottage, Stoneleigh Road, Blackdown	Enlargement and Remodelling of Dormer Bungalow <b>Delegated</b>	Thomas Fojut	Questionnaire : 8/7/20 Statement: 30/7/20	<b>Appeal Dismissed</b>

The Inspector noted that based upon a 1938 plan the Council calculated that since then the floorspace of the dwelling has increased by almost 74%. The appellant questioned this calculation. However, no contrary evidence has been provided by the appellant to support these concerns. The Inspector considered that the granting of permission for four extensions to the property since 1974, including the creation of bedrooms in the roofspace and a two storey side extension, indicates that most, if not all, of the increase in size of the dwelling has occurred in recent decades. This is supported by the 1938 plan which shows the dwelling set further back from its northern boundary than is the case today. He therefore found that on the balance of probabilities, the gross floorspace of **the dwelling has increased in the region of the amount identified by the Council. By increasing the height of the dwelling's** eaves by over 2 metres to create a full height second storey the scheme would result in a marked increase in the scale and mass of the existing dwelling. He therefore found that the conversion of the dwelling from a chalet bungalow to a two storey house would further significantly increase the size of the dwelling and the proposal would constitute inappropriate development in the Green Belt and would also be harmful to openness.

Given the variety of architectural styles along the road, the Inspector considered that the contemporary architectural style of the design proposed would in itself not be harmful to the character and appearance of the area. However, he felt as an extension to an

existing dwelling in the open countryside it would remove any remaining semblance of the original dwelling. Together with earlier extensions the proposed extension in converting the bungalow to a two storey house would also significantly alter the scale, design and character of the original building to the extent that it is no longer visually dominant. As a result, the proposal would be contrary to criteria a and c of policy H14 of the Local Plan.

The Inspector noted that the appellants are longstanding occupiers who wish to continue to live in the locality and be involved with the local community. The proposed remodelling of the existing dwelling would meet their housing needs and so would enable them to do so. However, mindful of the advice contained in Planning Practice Guidance that in general planning is concerned with land use in the public interest and that the proposed development would remain long after the current personal circumstances cease to be material, he therefore attaches little weight to this consideration in terms of very special circumstances.

W/19/1949	<b>22 St Mary's Terrace,</b> Leamington	Conversion and Extension of Garage into Dwelling <b>Delegated</b>	Rebecca Compton	Questionnaire : 26/6/20 Statement: 24/7/20	Ongoing
W/19/2138	8 Cassandra Grove, Warwick	Single Storey Front Extension <b>Delegated</b>	Emma Booker	Questionnaire : 25/8/20 Statement: 16/9/20	<b>Appeal Dismissed</b>

The Inspector noted that the area is characterised by two storey detached residential properties as part of a relatively modern housing estate. While there is some variation in their design, the properties are all finished externally with red brick and traditional pitched roofs. The dwellings are laid out in a staggered arrangement with spacious open front gardens which include off-street parking. The majority of dwellings have single, integral garages which project slightly forward of their principal elevation. Indeed, **the design and scale of the appeal property's existing single garage, is replicated at several properties along the street** providing a degree of uniformity in design.

The proposal would extend the existing garage forward by approximately 3.3 metres and sideways up to the boundary with No 10. It would have an overall width of about 4.8 metres and constructed in matching materials with a hipped roof.

The Inspector considered that due to its increased width, coupled with its forward projection, the extension would result in an overly assertive addition to the property that would significantly draw the eye and thereby dominate its front elevation. There are no other properties in the immediate vicinity that have a similar front and side extension to that which is being proposed. Accordingly, it would be a discordant feature that would be at odds with the appearance of other dwellings along Cassandra Grove and the wider area, where garages are mostly of a single width. Moreover, in extending the property forward as proposed, the development would reduce the space to the front of the property, diminishing the open and spacious character of the street. Its discordant forward projection would be particularly noticeable when approaching from the south, introducing a large featureless south facing side elevation. Consequently, he concluded that this would not be a sympathetic nor subservient addition that would respect the original character and appearance of the host dwelling or that of the wider area.

W/19/1963 and W/19/1964/LB	Rectory Cottage, Church Lane, Lapworth	Demolition of Garage Block and erection of Sun Room <b>Delegated</b>	George Whitehouse	Questionnaire : 19/8/20 Statement: 16/9/20	Ongoing
W/20/0097	10 Wasperton Road, Wasperton	Change of Use of Store Room to Dog Grooming Salon <b>Delegated</b>	Rebecca Compton	Questionnaire : 19/8/20 Statement: 16/9/20	Ongoing
W/19/1197	89 Shrubland Street, Leamington	Change of Use to HMO <b>Appeal against Non- Determination</b>	Rebecca Compton	Questionnaire : 1/9/20 Statement: 29/9/20	Ongoing  See also enforcement appeal below
<b>New</b> W/20/0247	3-5 Mill Street, Leamington	Subdivision into 2 dwellings; Extensions and other Alterations	Emma Booker	Questionnaire : 11/9/20	Ongoing

		<b>Appeal against Non-Determination</b>		Statement: 9/10/20	
<b>New</b> W/20/0980	9 Camberwell Terrace, Leamington	Front Lightwells <b>Delegated</b>	Emma Booker	Questionnaire : 25/9/20 Statement: 19/10/20	Ongoing
<b>New</b> W/20/0262	Old Barn, Sands Farm, Old Warwick Road, Lapworth	Change of use to Dwelling <b>Delegated</b>	Helena Obremski	Questionnaire : 28/9/20 Statement: 26/10/20	Ongoing
<b>New</b> W/20/0271	The Hay Barn, Packwood Lane	Replacement Garage <b>Delegated</b>	Jonathan Gentry	Questionnaire : 8/9/20 Statement: 30/9/20	Ongoing
<b>New</b> W/20/0429	12 Victoria Street Warwick	Extensions and Alterations <b>Delegated</b>	Jonathan Gentry	Questionnaire : 11/9/20 Statement: 5/10/20	Ongoing
<b>New</b> W/20/0467	Morrisons, Old Warwick Road, Leamington	Various Signage <b>Delegated</b>	Lucy Hammond	Questionnaire : 28/9/20 Statement: 26/10/20	Ongoing

<b>New</b> W/20/0201	37 Shakespeare Avenue, Warwick	First floor Side Extension <b>Delegated</b>	Thomas Fojut	Questionnaire : 8/9/20 Statement: 30/9/20	Ongoing
<b>New</b> W/19/1197	89 Shrubland Street, Leamington	Change of Use to 7 Bed HMO <b>Appeal against Non-Determination</b>	Rebecca Compton	Questionnaire : 1/9/20 Statement: 29/9/20	Ongoing

Enforcement Appeals

Reference	Address	Issue	Officer	Key Deadlines	Date of Hearing/Inquiry	Current Position
ACT 450/08	Meadow Cottage, Hill Wootton	Construction of Outbuilding	RR	Statement: 22/11/19	Public inquiry 1 Day	The inquiry has been held in abeyance



ACT 097/17	2 Satchwell Place, Leamington Spa	Construction of Fence	RR	Statement: 23/6/20	Written Representations	Ongoing
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**Grounds of Appeal**

The steps to comply with the notice are excessive  
The Notice compliance period is too short.

ACT 026/17	Fleur De Lys PH, Lapworth Street, Bushwood, Lowsonford,	Construction of pergola	RR	Statement: 13/7/20	Written Representations	<b>Appeal Dismissed and Notice Upheld</b>
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**Grounds of Appeal**

That the alleged works (if they occurred) do not constitute a breach of planning control.  
That listed building consent ought to be granted.  
That the compliance period is insufficient.  
The steps to comply with the notice are excessive

The inspector considered that the pergola was fixed to the rear of the building; that the fact that it was attached to a modern extension is not relevant; and that the pergola as built has had an adverse effect on the character and significance of the listed building.

The Inspector considered that it was appropriate to extend the compliance period for the notice to 6 months and also altered the notice to enable compliance with an extant permission rather than the demolition of the structure.

ACT 314/16	18 & 20 Mollington Grove, Hatton Park, Hatton, Warwick	Change of rear doors to UPVC	RR	Statement: 23/7/20	Written Representations	<b>2 Appeals Dismissed</b>
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**Grounds of Appeal**

A separate appeal was submitted in respect of both properties on the grounds that: -

The works were urgently necessary.  
That the compliance period is insufficient.

The Inspector considered that the UPVC doors and windows do not provide any greater level of safety than the doors and windows that were removed; do not contribute to the preservation of the listed building **and that the installation wasn't urgently necessary.**

The Appellant requested that the compliance period be extended to a date which would coincide with the current resident leaving the property. The Inspector considered that this would be the equivalent of granting a personal consent for the UPVC doors and windows and as such would be unacceptable due to the urgent need to remedy the situation. The compliance period was however extended to 6 months.

ACT/565/18	41 Clemens Street, Leamington	Erection of structures/fencing to the front of the premises	RR	Statement Due: 5/11/20	Written Representations	Ongoing
<b>Grounds of Appeal</b>						
<p><b>That the alleged works haven't taken place.</b>  That the alleged works (if they occurred) do not constitute a breach of planning control.  That the steps to comply with the notice are excessive.</p>						
ACT/386/19	89 Shrubland Street, Leamington	Change of use to a 7 bed HMO.	RC	Statement Due: 11/09/20	Written Representations	Ongoing
<b>Grounds of Appeal</b>						
<p>Planning permission ought to be granted.</p>						
ACT/665/18	64 Bath Street Leamington Spa	Removal of historic door, frame and fanlight. Installation of UPVC doorset with double glazed fanlight (to Listed Building)	RR	Statement Due 21/09/20	Written Representations	Ongoing

**Grounds of Appeal**

That the building is not of special architectural or historic interest  
That Listed Building consent ought to be granted.

ACT/354/20	Old Folly Barn, Kites Nest Lane, Beausale, Warwick	Erection of detached car port.	GW	Statement Due:  5/8/20	Written Representations	Ongoing
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**Grounds of Appeal**

That planning permission should be granted.  
That the compliance period is insufficient.

ACT/331/19	115 Brunswick Street Leamington.	Change of use to an HMO	RC	Statement Due:  4/8/20	Written Representations	<b>Appeal Dismissed</b>
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**Grounds of Appeal**

**Appeal A** – Against the refused planning application W/19/1981: that planning permission should be granted.

**Appeal B-** Against the Enforcement Notice: as above.

The Inspector agreed with the Council that the development conflicts with Policy H6 and would unacceptably impact upon the living conditions of local residents from an overconcentration of HMOs. He also agreed that the layout of the property and in particular, the level of natural daylight to the shared communal space is harmful to the living conditions of the occupants of the building.

For those reasons, the Enforcement Notice was upheld.

Tree Appeals

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines	Date of Hearing/Inquiry	Current Position