

A meeting of the above Committee will be held in the Town Hall, Royal Leamington Spa, on Tuesday 4 February 2020 at 6.00pm.

Councillor Boad (Chairman)

Councillor Morris (Vice Chairman)

Councillor M Ashford

Councillor N Murphy

Councillor R Dickson

Councillor W Roberts

Councillor T Heath

Councillor J Weber

Councillor J Kennedy

Vacancy

Councillor V Leigh-Hunt

Emergency Procedure

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

Agenda

Part A – General

1. **Apologies & Substitutes**

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

2. **Declarations of Interest**

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

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

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

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

3. **Site Visits**

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

4. **Minutes**

To confirm the minutes of the meeting held on 8 January 2020.

(Pages 1 to 5)

Part B – Planning Applications

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

- | | | |
|----|---|------------------------|
| 5. | W/19/1360 - 25 Shakespeare Avenue, Warwick | (Pages 1 to 5) |
| 6. | W/19/1379 - 32 Russell Terrace, Royal Leamington Spa | (Pages 1 to 11) |
| 7. | W/19//1427 - 27 Jury Street, Warwick | (Pages 1 to 4) |
| 8. | W/19/1428 LB - 27 Jury Street, Warwick | (Pages 1 to 3) |
| 9. | W/19/1559 - Victoria Lodge, Park Drive, Royal Leamington Spa | (Pages 1 to 12) |

Part C – Other matters

10. **Appeals Report** **(To follow)**

Please note:

- (a) the background papers relating to reports on planning applications are open to public inspection under Section 100D of the Local Government Act 1972 and consist of all written responses to consultations made by the Local Planning Authority in connection with the planning applications referred to in the reports, the County Structure Plan Local Plans and Warwick District Council approved policy documents.
- (b) all items have a designated Case Officer and any queries concerning those items should be directed to that Officer.
- (c) **in accordance with Council's Public Speaking Procedure, members of the public** can address the Planning Committee on any of the planning applications or Tree Preservation Order reports being put before the Committee. If you wish to do so, please call 01926 456114 (Monday to Thursday 8.45am to 5.15pm and Friday 8.45am to 4.45pm) or email committee@warwickdc.gov.uk any time after the publication of this agenda, but before 12 noon on the working day before the day of the meeting and you will be advised of the procedure.
- (d) please note that the running order for the meeting may be different to that published above, in order to accommodate items where members of the public have registered to address the Committee.
- (e) occasionally, items are withdrawn from the agenda after it has been published. In this instance, it is not always possible to notify all parties interested in the application. However, if this does occur, a note will be placed on the agenda via **the Council's website**, and where possible, the applicant and all registered speakers (where applicable) will be notified.

Published Monday 27 January 2020

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

Telephone: 01926 456114

E-Mail: committee@warwickdc.gov.uk

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

You can e-mail the members of the Committee at

planningcommittee@warwickdc.gov.uk

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

Please note that the majority of the meetings are held on the first floor of the Town Hall. If you feel that this may restrict you attending this meeting, please telephone (01926) 456114 prior to the meeting, so that we can assist you and make any necessary arrangements to help you to attend the meeting.

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

Planning Committee

Minutes of the meeting held on Wednesday 8 January 2020 in the Town Hall, Royal Leamington Spa at 6.00 pm.

Present: Councillor Boad (Chairman); Councillors Ashford, R. Dickson, Heath, Luckhurst, Leigh-Hunt, Morris, Murphy, Roberts and Weber

Also Present: Civic and Committee Services Manager – Mrs Tuckwell;
Committee Services Officer – Mr Edwards; Legal Advisor – Mrs Gutteridge; Development Services Manager – Mr Fisher; Principal Planning Officer – Mr Charles; Warwickshire County Council Highways Officer – Mr Pilcher.

118. **Apologies and Substitutes**

- (a) There were no apologies made.
- (b) Councillor Luckhurst substituted for Councillor Kennedy.

119. **Declarations of Interest**

There were no declarations of interest.

120. **Site Visits**

There were no site visits made.

121. **Minutes**

The minutes of the meetings held on 3 and 4 December 2019 were taken as read and signed by the Chairman as a correct record.

122. **W/18/0092 – Land at Princes Drive, Edmondscote, Royal Leamington Spa**

The Chairman informed Members that this item had been withdrawn by the applicant following publication of the agenda.

123. **W/19/1133 – Land at Ward Hill, Warwick Road, Littleworth, Norton Lindsey**

The Chairman informed Members that this item had been withdrawn from the agenda. An addendum circulated prior to the meeting advised that following the receipt of further comments from Warwick District Council Environmental Services in response to concerns raised by a commentator in respect of a specific environmental health issue which required further consultation to be undertaken, the item had been withdrawn.

PLANNING COMMITTEE MINUTES (Continued)

124. W/18/1635 – Land East of Kenilworth, Glasshouse Lane/ Crewe Lane, Kenilworth

Prior to considering this item, the Council's Solicitor advised Members that the recommendation in the report was that planning permission should be granted, and the addendum informed of an addition to the decision, to add "Subject to final sign off by Highways England of the Thickthorn Island Highways Works...". This was now corrected by officers, to only state "Subject to final sign off by Highways England". In addition, the Council's Solicitor advised Members that she had received an email from Highways England, shortly before the start of the meeting, asking that the Committee did not consider the application and did not grant permission to the application for a further three months, as there were still some outstanding issues. The Council's Solicitor advised that even if the application was considered by Members and approved, it would still be subject to the satisfaction of Highways England, and the application would come back to the Planning Committee if Highways England were not satisfied.

Following agreement from Members, the Principal Planning Officer proceeded with delivering the presentation. Councillor Morris felt that it would be inappropriate for Members to debate the application.

Planning officers presented to the Committee a major application from Catesby Estates Plc. for the demolition of existing farmhouse and agricultural buildings and outline planning application for residential development of up to 620 dwellings (Use Class C3), land for a primary school, (Use Class D1) including means of access into the site (not internal roads), parking and associated works, with all the other matters reserved (relating to appearance, landscaping, scale and layout).

The application was presented to Committee because of the number of objections received and an objection from Kenilworth Town Council.

The officer was of the opinion that the application site was allocated within the Local Plan for residential development as part of allocation H40 which identified approximately 640 dwellings for this area of the site, and formed part of the wider East of Kenilworth Strategic Urban Expansion that sought to provide approximately 1,400 dwellings, together with a range of associated community facilities.

The development was only in outline form at this stage but the indicative site plan demonstrated that the site was capable of accommodating a very high quality scheme of up to 620 dwellings, which was acceptable in overall terms including in respect of the integration of built development within the surrounding landscape. The site provided additional benefits in securing an appropriate highway linkage to the adjacent site to provide a comprehensive development across the overall allocation.

Technical matters relating to highway safety and the mitigation of increased demand on the highway network had been satisfactorily addressed and these works were to be secured through contributions within the Section 106 Agreement. The site specific matters could be controlled by planning condition.

PLANNING COMMITTEE MINUTES (Continued)

An addendum circulated prior to the meeting advised of additional updates to the application. The recommendation was to be updated, to include **"Subject to final sign off by Highways England of the Thickthorn Island Highways Works..."**. On page 21, paragraph 3, the last sentence should refer to 'air mitigation contribution', not 'highways' contribution'.

The addendum also advised that there were three updates to conditions. The updates were that:

- **Condition 9 should be revised to be 'Prior to the submission of any reserved matters' instead of 'Prior to commencement';**
- Condition 21 should reference Design and Access Statement March 2019, not 2018 as referenced; and
- Condition 22 should to be omitted as this was a duplicate of Condition 21.

In addition, the addendum informed Members of an update to the Section 106 Agreement, advising that the SUDS provision should be updated, to be in liaison with Highways England, and there needed to be a requirement for Self Build/Custom Housing to be secured.

Furthermore, the addendum listed additional comments made by Councillors Wright and Redford, who raised concerns that Crewe Lane was a minor road with no clear passing areas or white centre line. Councillors Wright and Redford understood the original plan was to make Crewe Lane an emergency access only, which offered a level of restriction, but this appeared to have been abandoned in favour of changes to the junction at each end, which they felt would not address the safety or traffic risks. In addition to this, Councillors Redford and Wright noted that the HS2 compound already adjacent to Crewe Lane would cause disruption to a road which was already a high risk area and which would only become a bigger problem with additional housing, if not managed and controlled. Councillors Redford and Wright felt that that the traffic into Stoneleigh and Ashow already caused major issues and there was significant and justified concern that this would increase substantially as a result of the development, particularly if there were no controls in place. Traffic flows would also be affected by the new Glasshouse Lane which would result in additional congestion, which would further exacerbate congestion. Alternative access needed to be considered and the developers needed to come up with a more practical and sustainable traffic management plan which should be put to the community for comment. Councillors Redford and Wright felt that the application was contrary to Paragraph 102 of the NPPF as transport issues had not been addressed.

The addendum informed Members of two additional letters of objection that had been received, which raised concerns regarding over-development, inadequate roads for the increased traffic, traffic island on Glasshouse Lane would be dangerous and no footpaths on Glasshouse Lane. In addition, the letters of objection advised that Crew Lane was barley wide enough for two vehicles, the school was surrounded by houses so it could not extend and no mitigation for impact of the new roundabout for residents of Stansfield Grove in terms of access, noise, fumes, headlamp glare and loss of privacy had been made.

PLANNING COMMITTEE MINUTES (Continued)

Following consideration of the report, presentation and information contained in the addendum and notification of advice received from **Highways England as detailed by the Council's Solicitor**, it was proposed by Councillor Morris and seconded by Councillor Ashford that the application should be deferred.

The Committee therefore

Resolved that W/18/1635 be **deferred** following the late receipt of a request from Highways England that the matter should not be considered by Committee.

125. **W/19/0933 - 2 Penns Close, Cubbington, Royal Leamington Spa**

The Committee considered an application from Mr and Mrs Hyam for the variation of condition 2 of application reference W/19/0287: Erection of a front dormer, front porch and two storey side extension with dormer (Retrospective) (Set down reduced from previously approved).

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

The Officer was of the opinion that the quality of the approved development was considered to have materially diminished between the previously approved design and it as the built development which was proposed to be regularised under this variation of condition 2 application. The proposed (as-built) extensions were not subservient to the original dwelling, did not **comply with the Council's adopted Residential Design Guide and therefore** the objectives of local plan policy BE1. For this reason, it was recommended that the planning permission should be refused.

An addendum circulated at the meeting advised that contrary to the statement in the report, this application was being brought to Planning Committee due to the number of comments of support which had been received, rather than the Parish Council being in support as indicated.

Mrs Jones addressed the Committee, speaking in support of the application.

Following consideration of the report, presentation, representation made at the meeting and information contained in the addendum, it was proposed by Councillor Morris and seconded by Councillor Ashford that the application should be refused.

The Committee therefore

Resolved that W/19/0933 be **refused** because it does not comply with Policy BE1 of the Warwick District Local Plan 2011-2029. This states that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design.

The proposed (as-built) extension by reason of the absence of a sufficiently set down ridge height is not subservient to the character and form of the original

PLANNING COMMITTEE MINUTES (Continued)

dwelling and therefore comprise an inappropriate form of development which is harmful to the wider street scene, contrary to the Council's adopted residential design guide.

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

126. **W/19/0933 – Land on the North Side of Birmingham Road, Hatton**

The Committee considered an application from Taylor Wimpey UK Ltd for full planning permission for 150 Dwellings (Class C3), New Vehicular Access from Birmingham Road, New Temporary Vehicular Access for Sales and Construction from Birmingham Road and associated works infrastructure.

The application was presented to Committee because it proposed changes to the Section 106 Agreement.

The officer was of the opinion that the proposed changes to the Section 106 Agreement required authority from Members to update the terms of the Section 106 Agreement to omit the Stanks Island request and to include the CCG request.

These elements had been fully justified and Members were requested to authorise the changes as set out within this report.

Following consideration of the report and presentation, it was proposed by Councillor Dickson and seconded by Councillor Leigh-Hunt that the application should be granted.

The Committee therefore

Resolved that W/19/033 be **approved** in accordance with the recommendation in the report.

(The meeting ended at 6.57pm)

CHAIRMAN
4 February 2020

Planning Committee: 04 February 2020

Item Number: 5

Application No: [W 19 / 1360](#)

Town/Parish Council: Warwick
Case Officer: Andrew Tew

01926 456555 andrew.tew@warwickdc.gov.uk

Registration Date: 31/10/19

Expiry Date: 26/12/19

25 Shakespeare Avenue, Warwick, CV34 6JR
Erection of a two bedroom dwelling. FOR Mr L Dhesi

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

RECOMMENDATION

Planning Committee are recommended to GRANT planning permission.

DETAILS OF DEVELOPMENT

Planning permission was originally sought for the demolition of a garage and the erection of a three bedroomed dwelling to the side of No. 25, effectively creating a semi-detached dwelling. This was subsequently reduced to a two bedroom dwelling as the original application did not meet several policy tests.

The application is similar in size and design to planning ref. W/15/0049, which was granted but since expired. The main difference is that the current proposals incorporate a larger set back at the front and a larger projection to the rear.

THE SITE AND ITS LOCATION

Shakespeare Avenue lies within the urban area of Warwick. It consists of a mix of detached and semi-detached properties of varying architectural styles. The site specifically is No. 25, a detached property with garage. No. 27 to the East of the application site is a semi-detached property owned by the applicant.

PLANNING HISTORY

W/15/0049 - Proposed two bedroom dwelling within land of nos.25 & 27 Shakespeare Avenue.

RELEVANT POLICIES

- National Planning Policy Framework
- [The Current Local Plan](#)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Document- May 2018)

SUMMARY OF REPRESENTATIONS

Warwick Town Council – Object. Viewed as overdevelopment and detrimental to the street scene.

WCC Ecology – No objection. Require an initial bat survey and recommend refusal until this is forthcoming.

WCC Highways – No objection

WCC Waste Management – No objection.

ASSESSMENT

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

- the principle of development;
- impact on the character and appearance of the surrounding area;
- impact on the living conditions of nearby dwellings;
- car parking and highway safety;
- ecology; and
- flood risk.

Principle of development

Local Plan Policy H1 directs new housing to built-up, urban areas as these are the most sustainable with access to an existing wide range of services and facilities. The application site is located within urban area of Warwick.

The scheme accords with policy H1 and is considered to be acceptable in principle.

Impact on character and appearance of surrounding area

The concerns raised by the Town Council that the proposed dwelling will constitute overdevelopment and be detrimental to the street scene is noted, however the proposed dwellinghouse will sit comfortably within the existing pattern of residential development. The initial application for a three bedroom dwelling was deemed overdevelopment and was changed to revert back to a similar sized scheme to that granted under planning ref. W/15/0049.

No.25 will effectively become a semi-detached property, in keeping with the mix of semi-detached and detached properties within the locality. The design and proportions of the proposed dwellinghouse are acceptable and will follow the style and character of No.25. The development will be set 1m off the side boundary, in accordance with the requirements of the Residential Design Guide.

The proposed dwellinghouse is therefore considered to sit appropriately within the streetscene and will not appear prominent or cramped within its plot. As such, the application accords with Local Plan Policy BE1.

Impact on living conditions of nearby dwellings

The revised plans for the proposed dwellinghouse will not breach the 45-degree sightline from adjoining properties. The development will meet all other necessary separation distances and is not considered to result in any significant impact upon the amenities of the occupiers of surrounding properties.

Outdoor amenity space will be provided for the proposed dwellinghouse in accordance with design guidance and will be retained for the existing property No.25. This is in accordance with Local Plan Policy BE3.

Car Parking and Highway Safety

The required number of parking spaces for No. 25 is two and the proposed new dwellinghouse is two. The new dwellinghouse and existing property No.25 will have two off-street parking spaces, with EV charging provision, in accordance with the Council's Parking Standards.

The Highway Authority requested a more indicative plan showing the precise location of the new proposed access. On receipt of drawing 3859-02D, the Highway Authority issued a no objection response, subject to a condition that the existing vehicle access is widened prior to occupation. This will be secured by condition.

As such the application accords with Local Plan Policies TR1 and TR3.

Ecology

WCC Ecology have requested that an initial bat survey is undertaken, prior to approval. However, there was no such requirement for the previous similar scheme. At that time WCC Ecology advised that the building appeared to be well sealed and in good condition and so a bat survey was not considered necessary. This remains the case and there has been no other change in circumstances since the previous decision was made to indicate that a different decision should be made now on this matter.

Flood Risk

The site is situated within Flood Zone 2. The previous proposals for a similar development on this site were considered acceptable from a flood risk point of view on the basis of a Flood Risk Assessment that was submitted with that application. A similar Flood Risk Assessment is awaited for the current

scheme and an update on this matter will be included in the addendum report to Committee.

SUMMARY/CONCLUSION

In the opinion of the Local Planning Authority, the development respects surrounding buildings in terms of scale, height, form and massing and does not adversely affect the amenity of nearby residents or highway safety. The proposal is also considered to be acceptable in terms of ecological impact and flood risk. The proposal is considered to comply with the policies listed and therefore the application should 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 drawing(s) 3859-01F and 3859-02F, and specification contained therein, submitted on 03/01/2020. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 The development hereby approved shall not commence unless and until the applicant has undertaken a percolation test for the proposed disposal of surface water from the site, details of which shall be submitted to and approved in writing by the local planning authority. This should include calculations and a report along with photos of the tests being carried out. Should the percolation test provide insufficient then a new drainage strategy for the site is to be submitted. All details shall be carried out as approved. **REASON:** To secure a satisfactory form of development and sufficient means of disposal of surface water in accordance with the Environment Agency's Standing Advice.
- 4 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building at 25 Shakespeare Avenue. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029.
- 5 The development shall not be occupied until the existing vehicular access to the site is widened in accordance with drawing 3859-02D. **REASON:** To ensure that the proposed development has a satisfactory access and parking in accordance with Policies TR1 and TR3 of the Warwick District Local Plan 2011-2029.

- 6 The finished floor level of the development hereby permitted shall be no lower than the existing floor level of the existing property No.25 Shakespeare Avenue. **REASON:** To secure a satisfactory form of development in accordance with the Environment Agency's Standing Advice and to reduce the risk of flooding to the proposed development and safeguard the amenities of future occupiers in accordance with Policy FW1 of the Warwick District Local Plan 2011-2029.
- 7 The dwelling hereby permitted shall not be occupied unless and until the car parking provision for that dwelling and the existing dwelling at No. 25 Shakespeare Avenue has been constructed or laid out, and made available for use by the occupants and / or visitors to those dwellings and thereafter those spaces shall be retained for parking purposes at all times. **REASON:** To ensure the satisfactory provision of off-street vehicle parking facilities in accordance with the local planning authority's standards and in the interests of highway safety and the satisfactory development of the site in accordance with Policies BE1 and TR3 of the Warwick District Local Plan 2011-2029.
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Application No: [W 19 / 1379](#)

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

01926 456527 dan.charles@warwickdc.gov.uk

Registration Date: 26/09/19

Expiry Date: 21/11/19

32 Russell Terrace, Leamington Spa, CV31 1EZ

Erection of 2no. dwellings FOR Dr Davies

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The development is for the erection of a pair of three-bedroom, semi-detached dwellings on land at 32 Russell Terrace.

The proposal is to infill the front garden area of 32 Russell Terrace which is set to the very rear of the plot where the site is adjacent to Plymouth Place.

The proposed dwellings would address Russell Terrace with a similar setback to the existing properties along the street.

The dwellings are designed in a traditional form with bay windows to the front under a pitched roof. To the rear, inset wings are proposed mirroring the general character of other traditional buildings within the street scene.

To the rear a single storey glazed lean-to is proposed to the side of the inset rear wings which is a character required for side courtyard infill developments as set out in the Council's Residential Design Guide SPD.

Parking is proposed to be provided through the provision of additional street bays to be provided on the public highway to the front of the site to extend the existing parking area that currently exists.

THE SITE AND ITS LOCATION

32 Russell Terrace is an existing dwelling that sits to the very rear of the plot where it abuts Plymouth Place. The front garden extends from the dwelling to Russell Terrace. This layout is mirrored by No. 30 Russell Terrace which lies immediately to the west. The remaining properties fronting Russell Terrace have their frontages directly onto Russell Terrace.

The land is set into two distinct areas – private garden area for the dwelling and an area of hardstanding immediately fronting onto Russell Terrace.

The site lies within the Royal Leamington Spa Conservation Area.

Russell Terrace is a mixture of characters and ages of properties with no set design ethos that defines the overall appearance of the area.

PLANNING HISTORY

W/19/0144 - Proposed residential development consisting of two three-storey 4-bedroom units – Withdrawn 6.03.2019.

W/05/1553 – Erection of a detached dwelling fronting Russell Terrace - Refused 25.10.2005

Note: Planning permission was refused on the basis that it was an outline planning permission in the Conservation Area and therefore contained no detailed plans to carry out the relevant impact assessment.

W/02/1904 – Erection of two storey and single storey pitched roof extensions (after demolition of outbuildings) - Granted 25.05.2004

W/00/0467 – Construction of a pitched roof to replace a flat roof over the garage area - Granted 11.09.2000

W/79/0019 – Erection of replacement garage - Granted 20.02.1979

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- H0 - Housing (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029)
- FW3 - Water Conservation (Warwick District Local Plan 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Parking Standards (Supplementary Planning Document)
- Air Quality & Planning Supplementary Planning Document (January 2019)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: Object for the following reasons:

1. Not within the NPPF definition of brownfield land so a request to develop a garden and does not meet the criteria in Policy H15 of the Local Plan regarding custom build homes.
2. The parking survey was conducted outside the higher education term time and is not therefore in line with the WDC Parking SPD.
3. Lack of parking spaces provided on the site in line with the Parking SPD - it is suggested spaces can be made available on street by the developer. This would need to be agreed by the Highways department and there is no evidence of this.
4. Proposed height of the building would dominate the property to the left and the question of overlooking is raised by the presence of non-obscured windows in the side of the building. It is suggested two trees will need to be removed - can they be replaced elsewhere on the plot or elsewhere in the neighbourhood?

WDC Waste Management: No objection.

WCC Ecology: No objection as no building being removed.

WCC Highways: No objection following revision to parking layout to omit conflict with adjacent access.

Public Response: A total of 13 letters of objection have been received making the following comments;

- Site is not classified as brownfield.
- Loss of trees and shrubs harmful to character of the area and neighbouring amenity.
- Will increase parking pressures on street in both Russell Terrace and Plymouth Place.
- Plymouth Place cannot accept any increased traffic.
- Garage of 32 Russell Terrace is not acceptable size for parking of vehicles.
- Harm to wildlife and landscape features.
- Overdevelopment of site.
- Should be read in the context of the dismissed appeal at No. 34 Russell Terrace.
- Benefits do not outweigh the harm to the Conservation Area.
- Parking Survey conducted out of term time.
- Loss of privacy to neighbouring properties.
- Loss of sun/daylight to neighbouring properties.
- Visual intrusion to neighbouring properties.
- Increased light pollution.
- Loss of important garden area that contributes to character of the Conservation Area.
- Revised parking inadequate for the needs of the development.
- Harm to setting of Listed Buildings.
- Out of character with existing plot dimensions.
- Height and pitch of roof not in keeping with neighbouring properties.

Agent's Comments:

We have read various planning objections from residents and The Town Council with regards to 32 Russell Terrace and would like to make the following comments:

- Policy H15, referenced in the Warwick DC Local Plan, which is the basis of **one of the Town Council's objections, refers to Custom and Self-build** housing in rural locations.
- We have submitted a revised parking arrangement following **Highways'** comments.
- With regards to trees/bushes, we have indicated the retention of the tree to the rear of the property, and intend on supplementing the loss of bushes and saplings with new planting in both front and rear gardens.
- We have provided a Parking Survey conducted in October 2018 (university term time).

ASSESSMENT

History/Background

Application reference W/19/0144 was withdrawn following concerns over the proposed design together with the parking requirement of 3 spaces per unit for the previously proposed 4 bedroom properties. The current scheme has amended the design and reduced the dwellings to 3 bedrooms to seek to overcome the previous issues.

Principle of Development

Policy H1 sets out where in the District new housing development will be permitted. Relevant to this particular application is bullet point (a) which **stipulates "within the Urban Areas, as identified within the policy and on the Policies Map"**. The site is within the Urban Area of Royal Leamington Spa and therefore an appropriate location for new housing development.

The application site is located in the urban area and therefore in this regard the proposed residential development complies with Policy H1 and is acceptable in principle.

However, Policy H1 also states that housing development on garden land, in urban and rural areas, will not be permitted unless the development reinforces, or harmonises with, the established character of the street and/ or locality and respects surrounding buildings in terms of scale, height, form and massing. This will be assessed further below.

Design and impact on visual amenity and the character of the surrounding area and the Royal Leamington Spa Conservation Area

Section 12 of the National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of

poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions.

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

The Residential Design Guide SPD sets out steps which should 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 stipulates that with respect to any buildings or other land in a Conservation Area special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Warwick District Local Plan Policy HE1 (Designated Heritage Assets and their setting) states that development will not be permitted if it would lead to substantial harm to or total loss of the significance of a designated heritage asset, unless it is demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. 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, in securing its optimum viable use. In terms of Conservation Areas, development will be expected to respect the setting of Conservation Areas and important views both in and out of them.

Taken into consideration with the similar layout of the adjacent property at number 30 Russell Terrace, the current site offers a small relief to the otherwise built up frontage on this side of Russell Terrace. The proposal to infill this area would result in built form being introduced into this area of open space within the Conservation Area. However, the current area of land is domestic garden land associated with the host property and is not afforded any special protection or designation within the Conservation Area. The introduction of built form into this area would result in a change to the character of the immediate area but the wider impact would be limited as the site is an anomaly to the existing character of the area rather than forming part of the wider intrinsic character of the area. On this basis, Officers do not consider that the provision of two dwellings on this site would diminish or harm the character of the local street scene or Conservation Area setting.

The proposed dwellings have been designed to reflect the character of existing buildings within the local street scene. The use of bay windows to the frontage takes its design cues from the adjacent dwellings and wider street scene and the use of a smooth render finish to the primary elevation under a pitched natural slate roof further reflects the local character of the traditional dwellings in the locality, which when viewed in the context of the street scape on this side of Russell Terrace, is the predominant material used by the dwellings. In terms of

detailing, the frontage uses traditional painted timber windows to reflect the local character of the street scene and Conservation Area.

In terms of plan form, the main body of the dwelling has a similar plan depth to the immediately adjacent property at No. 34 Russell Terrace. The projecting rear wings are also similarly scaled. The dwellings are evenly spread across the plot width to a similar degree as the existing dwellings in the street, albeit marginally more of the plot is taken up by the dwellings compared to other properties within the locality. However, there is a clear gap to the boundaries of the site that, whilst marginally narrower than those in the vicinity of the site, can still be clearly read as a gap that follows local characteristics.

The proposed dwellings are set behind a small forecourt that also follows the general characteristics of the local street scene and provides an appropriate form of visual appearance.

The overall plot width is narrower than the general character of the existing semi-detached dwellings within the street scene. However, the scale of the dwellings and overall character, whilst narrower than those in the immediate setting does not result in a form of development on the plot that is cramped or viewed as an overdevelopment of the plot. The proportions of the proposed dwelling visually appear similar to the adjacent plots and the design sits comfortably on the plot.

With regards to the future use of the retained dwelling, it is noted by Officers that the existing dwelling has an active frontage onto Plymouth Place and addresses the street scene in that location and does not appear in the street scene as the rear of a building. Additionally, the property benefits from an existing garage to the side of the building which also fronts onto Plymouth Place. The property would not require any alteration to function with its primary elevation onto Plymouth Place and the existing façade would retain the existing character of that local street scene.

The scheme has been assessed by the Conservation Officer who has raised no objection to the scheme, subject to conditions. The only aspect of concern raised was the treatment of the front boundary and the request that an alternative proposal be provided to be in keeping with the area. These changes can be secured by condition.

Overall, Officers are satisfied that the development proposal would be acceptable in terms of the impact on the character of the local area, street scene and Royal Leamington Spa Conservation Area. The proposal is therefore considered acceptable having regard to Policies BE1 and HE1 of the Local Plan. It is also considered that the proposal would comply with Policy H1 insofar as it relates to residential development on garden land.

Impact on the character and setting of the nearby 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 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.

Warwick District Local Plan Policy HE1 (Designated Heritage Assets and their setting) states that development will not be permitted if it would lead to substantial harm to or total loss of the significance of a designated heritage asset, unless it is demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. 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 closest Listed Buildings to the site are on the opposite side of Russell Terrace at numbers 35 and 37 Russell Terrace. The proposed development does bring built form closer to the setting of these buildings, however, the form of development would not detract or compete with the setting of these buildings that are viewed as their own entities within the street scene. The proposed new dwellings would sit within their own curtilage on the opposite side of the street and address the road in a similar form to the existing dwellings within the area.

Officers are therefore satisfied that the development would not have a detrimental impact on the setting of the Grade II Listed Buildings. The development is therefore considered to be acceptable having regard to Policy HE1 of the 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.

The proposal has the primary windows facing to the front and rear and the separation distances all exceed the required standards for the dwellings to the front and rear of the site.

The dwellings would share a side to side relationship with the existing property at No. 34 Russell Terrace. Side facing windows are limited to non-habitable rooms and these are identified as being obscure glazed to prevent any harmful overlooking.

The proposed dwellings share a similar relationship to the existing properties within the street and Officers are satisfied that the proposal would not result in any significant demonstrable harm to neighbouring amenity.

The proposal is therefore considered acceptable having regard to Policy BE3.

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 users and occupiers of a development.

The proposed development has all primary windows facing to the front and rear of the property, which affords an acceptable levels of outlook and amenity to the future users and occupiers.

The proposal has an acceptable level of amenity space to the rear, which is appropriate for a three-bedroom dwelling and the garden sizes are similarly proportioned to other properties within the locality.

Officers are also satisfied that the development retains sufficient amenity space for the retained dwelling. The appearance of this dwelling currently appears to be the front elevation facing onto Plymouth Place and the rear facing onto Russell Terrace with the traditional rear garden area in this location. The occupiers of this dwelling would therefore not be adversely affected by the proposed development.

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

Parking & Highway Safety

Policy TR1 of the Warwick District Local Plan requires that 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 adopted Parking Standards SPD.

The application site does not provide for off-street parking. Following the withdrawal of the previous scheme, discussions took place with the County Highways Officer in order to seek an appropriate solution. It was agreed that the provision of increased parking bays to the frontage of the site would be capable of delivering parking for the new dwellings following their reduction to three bedroom units requiring 2 spaces. 4 spaces are proposed on the frontage and these can be delivered through an appropriately worded planning condition and a requirement to enter into an agreement with the County Highways Office to carry out the works in accordance with the relevant standards.

As a result of the scheme, the existing dwelling will lose the ability to park vehicles in this area. The applicants provided parking surveys with the earlier scheme to demonstrate that parking was available within the vicinity of the site. The first survey was carried out in September, which was not considered appropriate as it was conducted outside of university term times. A subsequent later survey was carried out in October that identified similar results. Having assessed the submission, the County Highways Officer has raised no objection to the proposal.

It is clearly acknowledged that the new homeowners would not have specific rights over the newly created spaces to the frontage as the on-street parking in this area is unrestricted. This is the same situation for the existing dwellings within the area that do not benefit from private drives. However, the addition of the extra parking bays would mitigate the extra demand for parking in the local area.

For the above reasons, Officers are satisfied that the development is 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 measures must be identified. If mitigation measures are not possible on site, then compensatory measures should be identified accordingly.

The application site is open garden land within the curtilage of the existing dwelling and the impact on ecological features is therefore limited. There is some vegetation clearance required to facilitate the proposal, which can be adequately mitigated by informative notes.

Officers therefore consider that the proposal is acceptable having regard to Policy NE3.

Trees/Hedgerows

There are no significant trees or hedgerows within the site that would be lost as a result of the proposal. Any vegetation removed can be mitigated for in the provision of new landscaping to serve the dwellings. This can be secured by condition.

Air Quality

As the proposal introduces a use that would result in increased traffic movements, an Air Quality Mitigation scheme is proposed by condition to secure measures to offset any potential impact on air quality in this location.

Water Efficiency

A condition can be applied to secure compliance with Policy FW3 of the Local Plan.

Conclusion

The development is located within the urban area of Royal Leamington Spa where housing is considered acceptable in principle.

The proposal has been assessed and is considered acceptable having regard to the impact on the character and amenity of the local area and Royal Leamington Spa Conservation Area, the impact on the amenity of neighbours and future occupiers, highway safety and ecological matters.

Site specific matters can be adequately controlled by condition. For the above reasons, Officers recommend that the application be granted, subject to conditions.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 1287-0500-07 and 1287-0501-06, and specification contained therein, submitted on 15 August 2019 and approved drawing 1287-0502-03, and specification contained therein, submitted on 1 November 2019. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 4 No 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. Render shall be smooth sand and cement painted and tiles shall be natural slate. **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.
- 5 All window and door frames shall be constructed in timber and shall be painted and not stained. **REASON:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029.
- 6 Notwithstanding the submitted details, 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, rainwater goods and front boundary treatment 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.
- 7 The development hereby permitted shall not be occupied 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.
- 8 The development hereby permitted shall not be occupied unless and until the external refuse storage areas for the development have been constructed or laid out, and made available for use by the occupants of the development and thereafter those areas shall be kept free of

obstruction and be available at all times for the storage of refuse associated with the development. **REASON:** To ensure the satisfactory provision of refuse storage facilities in the interests of amenity and the satisfactory development of the site in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

- 9 The development hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **REASON:** To ensure adequate car parking and servicing facilities in the interests of both highway safety and visual amenity in accordance with Policies BE1, BE3 and TR3 of the Warwick District Local Plan 2011-2029.
- 10 The development hereby permitted shall not be occupied until a detailed landscaping scheme has been submitted to identify all retained planting and new planting where required to mitigate for the loss of existing vegetation and thereafter approved in writing by the Local Planning Authority. Thereafter, the planting shall be carried out in accordance with the approved scheme within the first planting season following the first occupation of the dwelling. **REASON:** To ensure an appropriate level of landscaping is proposed in the interest of visual amenity and biodiversity having regard to Policies BE3 and NE4 of the Warwick District Local Plan 2011-2029.
- 11 Prior to the occupation of the development hereby permitted, all side facing windows at first floor level shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed window(s) shall be retained and maintained in that condition at all times. **REASON:** To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy BE3 of the Warwick District 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

Planning Committee: 04 February 2020

Item Number: 7

Application No: [W 19 / 1427](#)

Town/Parish Council: Warwick
Case Officer: Andrew Tew

01926 456555 andrew.tew@warwickdc.gov.uk

Registration Date: 08/11/19

Expiry Date: 03/01/20

27 Jury Street, Warwick, CV34 4EH

Removal of section of wall, installation of electric gates and EV charger's to provide additional parking space FOR Mr Stephen Chapman

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

RECOMMENDATION

Planning Committee are recommended to REFUSE planning permission.

DETAILS OF THE DEVELOPMENT

Planning permission is sought for the removal of a section of wall and the installation of electric gates and EV chargers. The proposed development would provide an addition parking space for the applicant, taking the total number to 2.

The application site is Grade II listed and the listing includes the curtilage wall. Planning ref. W/16/2000 granted permission for a change of use of the ground floor from Class A2 to C3. This effectively made the entirety of the property residential, as the upper floors were in use as a flat at the time.

THE SITE AND ITS LOCATION

The application site is located in Jury Street, a main thoroughfare through **Warwick's town centre**. The building subject to the application is a mid-terraced three storey stone building, which is Grade II listed and the site is within the Warwick Conservation Area.

The proposed development is at the rear of the property, accessed off The Butts (A425), to which the applicant has access rights. The area is a mix of parking, residential and garaging. The streetscene is a mixture of modern and listed buildings.

PLANNING HISTORY

W/16/2000 and W/16/2001/LB - Change of use of ground floor from estate agents (Class A2) to enlarge existing flat on upper floors.

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Document- May 2018)

SUMMARY OF REPRESENTATIONS

Warwick Town Council – Support. Note that the wall in question has had much alteration with modern brick infilling. State that the present width of opening does not further compromise the overall listed status of the listed group. The gate specified is comparable with others in the group of listed buildings. Ask whether 2 parking spaces should be required as change of use from a shop to dwelling house as already been granted.

WCC Ecology – No objection. Recommend an initial bat inspection prior to commencement.

ASSESSMENT

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

- the impact on the character and appearance of the listed building and the conservation area;
- impact on the living conditions of nearby dwellings;
- car parking; and
- ecology.

Impact on the character and appearance of the listed building and the conservation area

There is a statutory requirement through Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 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. Meanwhile, Section 72 of the same Act imposes a duty when exercising planning functions to

pay special attention to the desirability of preserving or enhancing the character of a conservation area.

Paragraph 193 of the National Planning Policy Framework explains 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Para. 194 adds that harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

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 asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The existing wall forms part of the listed building's architectural and historic significance due to it representing an original boundary and retaining a large proportion of historic fabric. Therefore the removal of a significant part of this structure will harm the special architectural and historic interest of the listed building and the wider conservation area. Furthermore, the solid timber design proposed for the new gates would appear at odds with the prevailing character of the rear of these listed properties, which is comprised of masonry walls and metal gates / railings.

Whilst this amounts to "less than substantial harm" for the purposes of Paragraph 196 of the NPPF, there would nonetheless be a significant level of harm caused to the listed building and the conservation area. This harm has to be weighed against the public benefits of the scheme.

The benefits generated by the scheme would be largely private rather than public. The possible exception to this is the provision of EV charging points, which would have wider environmental benefits. However, a single EV charging point could be accommodated within the existing layout without demolishing the wall, and in this context the provision of a second charging point is not considered to amount to the type of significant public benefit that could outweigh the significant harm that has been identified. Therefore the proposals are contrary to the NPPF and Local Plan Policies HE1 and BE1.

Impact on the living conditions of nearby dwellings

The proposals would have an acceptable impact on the living conditions of neighbouring dwellings. The proposed gates would be lower than the existing wall and consequently the proposals would not have any implications for light or outlook for neighbours. As such, the application accords with Local Plan Policy BE3.

Parking

The proposals **comply with the Council's Parking Standards. As such, the** proposal accords with Local Plan Policies TR1 and TR3.

Ecology

WCC Ecology have recommended an initial bat inspection prior to commencement. This could be secured by condition. Subject to this condition, the proposals would have an acceptable ecological impact, in accordance with Policy NE3.

SUMMARY/CONCLUSION

In the opinion of the Local Planning Authority the proposed development would cause unacceptable harm to the character and appearance of the listed building and the conservation area. The proposal should therefore be REFUSED.

REFUSAL REASONS

- 1 Policy HE1 of the Warwick District Local Plan 2011-2029 states that consent will not be granted to alter or extend a listed building where those works will adversely affect its special character or historic interest, integrity or setting. Furthermore, Policy HE2 of the Warwick District Local Plan 2011-2029 requires that development preserves or enhances the special architectural and historic interest and appearance of the District's Conservation Areas.

The proposal relates to a Listed Building within a Conservation Area and it is considered that the proposed works would be seriously detrimental to the character and appearance of both the building itself and the Conservation Area as a whole, by reason of the loss of a significant part of a historic boundary wall and its replacement by a boundary treatment that is not in keeping with the character of the rear of these listed properties. There are no public benefits to outweigh this harm.

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

Planning Committee: 04 February 2020

Item Number: 8

Application No: [W 19 / 1428 LB](#)

Town/Parish Council: Warwick
Case Officer: Andrew Tew

01926 456555 andrew.tew@warwickdc.gov.uk

Registration Date: 08/11/19

Expiry Date: 03/01/20

27 Jury Street, Warwick, CV34 4EH

Removal of section of wall, installation of electric gates and EV charger's to provide additional parking space FOR Mr Stephen Chapman

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

RECOMMENDATION

Planning Committee are recommended to REFUSE listed building consent.

DETAILS OF THE DEVELOPMENT

Planning permission is sought for the removal of a section of wall and the installation of electric gates and EV chargers. The proposed development would provide an addition parking space for the applicant, taking the total number to 2.

The application site is Grade II listed and the listing includes the curtilage wall. Planning ref. W/16/2000 granted permission for a change of use of the ground floor from Class A2 to C3. This effectively made the entirety of the property residential, as the upper floors were in use as a flat at the time.

THE SITE AND ITS LOCATION

The application site is located in Jury Street, a main thoroughfare through **Warwick's town centre**. The building subject to the application is a mid-terraced three storey stone building, which is Grade II listed and the site is within the Warwick Conservation Area.

The proposed development is at the rear of the property, accessed off The Butts (A425), to which the applicant has access rights. The area is a mix of parking, residential and garaging. The streetscene is a mixture of modern and listed buildings.

PLANNING HISTORY

W/16/2000 and W/16/2001/LB - Change of use of ground floor from estate agents (Class A2) to enlarge existing flat on upper floors.

RELEVANT POLICIES

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

SUMMARY OF REPRESENTATIONS

Warwick Town Council – Support. Note that the wall in question has had much alteration with modern brick infilling. State that the present width of opening does not further compromise the overall listed status of the listed group. The gate specified is comparable with others in the group of listed buildings. Ask whether 2 parking spaces should be required as change of use from a shop to dwelling house as already been granted.

ASSESSMENT

The main issues relevant to the consideration of this application is the impact on the character and appearance of the listed building and the conservation area.

There is a statutory requirement through Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 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. Meanwhile, Section 72 of the same Act imposes a duty when exercising planning functions to pay special attention to the desirability of preserving or enhancing the character of a conservation area.

Paragraph 193 of the National Planning Policy Framework explains 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Para. 194 adds that harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

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 asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The existing wall forms part of the listed building's architectural and historic significance due to it representing an original boundary and retaining a large proportion of historic fabric. Therefore the removal of a significant part of this structure will harm the special architectural and historic interest of the listed building and the wider conservation area. Furthermore, the solid timber design

proposed for the new gates would appear at odds with the prevailing character of the rear of these listed properties, which is comprised of masonry walls and metal gates / railings.

Whilst this amounts to “less than substantial harm” for the purposes of Paragraph 196 of the NPPF, there would nonetheless be a significant level of harm caused to the listed building and the conservation area. This harm has to be weighed against the public benefits of the scheme.

The benefits generated by the scheme would be largely private rather than public. The possible exception to this is the provision of EV charging points, which would have wider environmental benefits. However, a single EV charging point could be accommodated within the existing layout without demolishing the wall, and in this context the provision of a second charging point is not considered to amount to the type of significant public benefit that could outweigh the significant harm that has been identified. Therefore the proposals are contrary to the NPPF and Local Plan Policies HE1 and BE1.

SUMMARY/CONCLUSION

In the opinion of the Local Planning Authority the proposed development would cause unacceptable harm to the character and appearance of the listed building and the conservation area. The proposal should therefore be REFUSED.

REFUSAL REASONS

- 1 Policy HE1 of the Warwick District Local Plan 2011-2029 states that consent will not be granted to alter or extend a listed building where those works will adversely affect its special character or historic interest, integrity or setting. Furthermore, Policy HE2 of the Warwick District Local Plan 2011-2029 requires that development preserves or enhances the special architectural and historic interest and appearance of the District's Conservation Areas.

The proposal relates to a Listed Building within a Conservation Area and it is considered that the proposed works would be seriously detrimental to the character and appearance of both the building itself and the Conservation Area as a whole, by reason of the loss of a significant part of a historic boundary wall and its replacement by a boundary treatment that is not in keeping with the character of the rear of these listed properties. There are no public benefits to outweigh this harm.

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

Application No: [W 19 / 1559](#)

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

Registration Date: 06/11/19

Expiry Date: 01/01/20

01926 456531 Helena.Obremski@warwickdc.gov.uk

Victoria Lodge, Park Drive, Leamington Spa, CV31 3PJ

Refurbishment, change of use and extension of existing C3 dwelling house to B1 office space with associated car parking. FOR Rickett Architects Ltd

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The applicant seeks planning permission for the change of use of Victoria Lodge from C3 residential to B1(a) office use. The proposal also includes an extension of the property to the rear of the site, with a two storey element attached to the existing building via a glazed link. The application also seeks to replace the existing single storey side extension with a similar scale extension, with window alterations to the main building. There would be no alterations to the existing access to the site, however, the site would be relandscaped to provide formalised parking for three spaces following demolition of an existing garage and shed, and proposes additional soft landscaping.

Following feedback from the Conservation Officer, the following amendments to the scheme have been made:

- Glass link has been lowered to be subservient to the extension.
- Small increase in the size of the extension (1.5m) to accommodate a second staircase.
- Proposed windows amended to match the existing - painted timber side hung casement frames.
- Contrasting brick panels removed.
- Matching brick and roof tiles to be used for the proposed extension.
- Solar panels removed from the roof of the extension.

THE SITE AND ITS LOCATION

The application relates to a vacant residential property known as Victoria Lodge, the former lodge cottage associated with Victoria Park. The site is located within a

Grade II Registered Historic Park, the Royal Leamington Spa Conservation Area and Flood Zone 2.

RELEVANT PLANNING HISTORY

W/18/1864 - planning permission refused for proposed improvements and extension to Victoria Park car park and change of use of Victoria Park Lodge garden to provide improved and extended car parking as part of the Leamington Spa car park displacement programme, including new lighting, CCTV, pay machine and additional parking spaces.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR2 - Traffic generation (Warwick Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029)
- HE4 - Archaeology (Warwick District Local Plan 2011-2029)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)
- EC1 - Directing New Employment Development (Warwick District Local Plan 2011-2029)

Guidance Documents

- Parking Standards (Supplementary Planning Document)
- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: No objection, it is important to note that Victoria Park car park is particularly busy with visitors during school holiday periods and should be kept for visitors rather than employees.

Conservation Area Forum: CAF are supportive in principle to the conversion of Victoria Lodge to office use. However, the Forum expressed disappointment in the design of the extension and felt that this should be more appropriate to the setting

of the existing lodge and the Victorian Park. The Forum expressed particular concern in relation to the fenestration of the new building and felt that this should better reflect the existing building which has 3-light casement windows. CAF also raised concern to the height of the glass linking walkway between the two buildings and felt that this should only be single storey.

Historic England: No objection.

WCC Highways: No objection.

Tree Officer: No objection, subject to the development being carried out in accordance with the details submitted.

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

Public Responses:

Chairman of the Avenue Road - Adelaide Road Residents Association (AR2RA): No objection, there is little evidence of the car park being at capacity except during the national bowls competition. In general an employment use for the Lodge, especially one consonant with the objectives and amenities of Victoria Park, is welcome in the neighbourhood, and will improve security in this part of the Park, and care for the Park's upkeep. Employment use will not detract from the quality of life of the neighbourhood, and indeed could provide a welcome diversity of interest in maintaining the neighbourhood's distinctive positive qualities.

Friends of Victoria Park: Supports application, appreciates efforts made by Bowls England to engage with local community. The plans for Victoria Lodge seem perfectly acceptable assuming:

- Bowls England staff do not use the Princes Drive car park that can become very congested at peak times.
- The comment in section 3.2 of the Tree Survey Report that "a large part of the garden will be converted to a car park to accommodate up to eight vehicles" is acknowledged to be an error.

In addition, and whilst not a planning issue, Bowls England and/or WDC should be encouraged to be transparent about the nature of the arrangement made for Victoria Lodge e.g. whether the terms (presumably for the sale of the lease to Bowls England) have been subject to a test of market rate or whether WDC have decided to allow Bowls England to acquire the lease on preferential terms?

ASSESSMENT

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

- Principle of the Development
- Design and Impact on Heritage Assets
- Impact on Amenity
- Parking and Highway Safety

- Ecological Impact and Trees
- Flooding and Surface Water Drainage
- Other Matters

Principle of the Development

Local Plan policy EC1 states that new office development will be permitted within the town centres. Outside of town centres, office development will be permitted in accordance with the following criteria:

- i. Within the employment land allocated in policy DS9;
- ii. Within established and committed employment areas in policy EC3;
- iii. Within town centres, subject to the town centre policies or any subsequent area action plan coming into effect after this plan.

Proposals for office development in locations at the edge of the town centres will also be considered if no suitable sites are available in any of the preferred locations above. Only if no suitable sites are available in an edge-of-centre location will out-of-centre locations be considered.

The policy seeks to support the retention of existing and committed employment areas, to prioritise the reuse of previously developed land and promote sustainable patterns of development. It ensures that employment areas are well distributed within the urban areas, close to existing and future housing development and accessible by public transport.

This application is submitted by Warwick District Council who own the site. The development will provide office space for Bowls England, who are currently located at Riverside House. The National Bowls Championships, International Matches and Test Matches are all held at Victoria Park. A review by Warwick District Council, following the inaugural joint National Championships in 2014, showed that circa 30,000 visitors to the annual event delivered £1.7 million into the local economy during the period – almost double its own initial estimates. The Council also commissioned a number of surveys for park users and households close to Victoria Park during the event, the results of which showed significant levels of support for the National Championships due to the benefits that it brings to the town and wider district.

Bowls England inform that over the last 5 years, attempts have been made to find offices close by to Victoria Park, but they have been unsuccessful. The move from Worthing to the Council offices was only meant as a temporary measure whilst permanent offices were established nearby to Victoria Park. Bowls England need to be located within easy reach of the park because during August when the annual National Bowls Championships take place over 4 weeks, the majority of staff and management are required to spend parts of each working day at the championship and also at their offices.

The applicant has provided a list of premises which have been considered, some of which offers were made on, but were not secured. Others were identified as being too large for their needs, too far away from Victoria Park, or not available.

Whilst it is acknowledged that the application site would create additional office space outside of the town centre, it is clear that special circumstances exist relating to Bowls England which mean that they require a premises nearby to Victoria Park. The application property is ideally placed, being located within Victoria Park, and is in easy walking distance of the bowls greens on the other side of the park. The economic and social benefits which the bowls championships in particular bring to the District are offered significant weight and if Bowls England were unable to secure a suitable premises, they could potentially be forced to look elsewhere outside of the District to host such events. Allowing the office use of the site would protect the investment identified above for the long term future of the District.

Furthermore, it is also noted that the current offices serving Bowls England are located outside of the town centre. Although the application site is located outside of the town centre and is not an employment site as identified on the proposals maps, there is clear justification why this particular office development needs to be in this area, with this site being particularly well-placed, and the application property has been vacant for some time. The applicant has provided options which have been considered (some of which are in the town centre or have existing lawful office use), and these have not been suitable for their requirements, or unavailable. Furthermore, the area within closest reach of Victoria Park within the town centre boundary is predominantly residential and it is unlikely that any of these sites would come forward for office use, and in any event is unlikely to be supported because the Local Plan seeks to protect residential uses within the town centre in such areas. Any town centre sites further away from Victoria Park would be further away than the current offices, thus rendering them unsuitable.

Furthermore, the site is just over 400 metres from the town centre boundary and is therefore not a significant distance from public transport and other services which are in walking distance. Local Plan policy EC1 seeks to prioritise the reuse of previously developed land, which this would constitute. Furthermore, owing to the close proximity of the site to the town centre, the use of sustainable transport could be easily achieved. The site is also in walking distance of existing housing development. Moreover, policy EC1 does not preclude office development from being permitted outside of the town centre and there is clear justification in this instance why office use would be suitable for this site.

It is therefore considered that the change of use would not prejudice the aims of Local Plan policy EC1 and is acceptable under these specific circumstances.

There are no Local Plan policies which limit the loss of residential use in this area.

Design and Impact on Heritage Assets

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

all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area.

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

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Policy HE1 of the Local Plan states that development will not be permitted if it would lead to substantial harm to the significance of a designated heritage asset. Where the development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal. The explanatory text for HE1 clarifies that in considering applications relating to Conservation Areas, the Council will require that proposals do not have a detrimental effect upon the integrity and character of the building or its setting, or the Conservation Area.

The scheme includes the erection of a two storey extension to the rear, which would be attached to the property via a glazed link. A replacement single storey flat roof side extension is also proposed, with a green roof. There would also be alterations to the existing windows and the site would benefit from additional landscaping. Whilst the site is surrounded by a high hedgerow, the rear extension and glazed link would be visible from the park and other public vantage points owing to its height.

The existing building dates from the early twentieth century, with historical mapping indicating the presence of the lodge here between 1913-1927. This building served as the lodge for Victoria Park, believed to house the park keeper. Initially the height of the glazed link and zinc cladding was considered to be inappropriate and harmful to the Conservation Area. The link has been reduced in height, to be subservient to the main property. The lightweight nature of the glazed link provides a sense of separation between the extension and the lodge, allowing the original form of the property to be easily read against the extension. The modern nature of the glazed link clearly defines the new element from the original building, whilst the brick and tile roof serving the main part of the extension matches the existing property, respecting the historic character of the site, wider Conservation Area and Registered Park and Garden.

The Conservation Officer raised concerns regarding the height of the proposed brick extension at the rear. However, the extension sits well below the height of the existing property and the sense of separation created by the glazed link

ensures that the extension remains subservient to the application property. The brick detailing which would have drawn the eye and detracted from the main property has been removed and the windows are now considered to be appropriate for the setting within the Conservation Area, being timber framed casement windows to match the main building.

The Conservation Officer recommends the inclusion of conditions requiring the provision of sample materials and large scale details which will be added. The Conservation Officer has no objection to the amended scheme. It is noted that Historic England have no objection to the proposal.

It is noted that the Conservation Area Forum expressed concern regarding the design of the extension, particularly in relation to the fenestration of the new building and felt that this should better reflect the existing building. They also raised concern in relation to the height of the glass linking walkway between the two buildings and felt that this should only be single storey in height. However, it should be noted that these comments were made in relation to the original scheme.

The glazed link has been reduced in height as suggested; although it is not single storey, it is lower than the two storey element which is in turn notably lower than the existing two storey property. The windows have also been amended as suggested and the brick detailing has been removed, to provide simple elevations, which better reflect the style of the existing property.

The proposed single storey side extension would replace an existing single storey flat roof extension in nearly the same proportions and location. Although the Council is not generally supportive of flat roof extensions to traditional properties in the Conservation Area, owing to the modest scale of the development and fact that the property already has an existing flat roof extension, this is considered acceptable. It is noted that the extension would however benefit from a green roof, to add visual interest once established. The alterations to the windows serving the existing property are considered acceptable.

Two buildings would be demolished on the site, however, these are a concrete flat roof single garage and lightweight timber lean-to attaching to it. These are not of any architectural merit and in fact incongruous outbuildings which do not enhance the Conservation Area. Their loss would be an improvement to the setting of the Conservation and Registered Park and Garden. The site currently benefits from a large area of hardstanding to the side of the property, where the parking spaces are proposed. There would therefore be no additional hard surfaces proposed as part of the scheme and the areas around the parking and turning area would be installed with soft landscaping, creating an overall visual improvement.

It is therefore considered the development would not cause harm to, and would preserve the setting of the Conservation Area and the Registered Park and Garden. The proposal would also not cause harm to the street scene and is considered to represent an appropriate form of development which harmonises well with the character of the area. The proposal is therefore considered to be in accordance with Local Plan policies BE1 and HE1.

Impact on Amenity

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

The application site is relatively isolated from other residential properties, being located within Victoria Park. It is not considered that the extensions or change of use would cause harm to amenity.

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

Parking and Highway Safety

The access arrangements to the site remain unaltered as part of the proposal.

The existing parking requirement for the site is 2 spaces. The proposed office use generates a need for 17 spaces. This requirement includes the area marked out for the storage archives which takes up the first floor of the proposed extension, because although space for storage of this nature would not usually generate staff and therefore a parking requirement, there would be no control over the use of the first floor being used for traditional office space.

There are three proposed parking spaces, leading to a short fall of 14 spaces. However, there is a public car park located immediately adjacent to the site which it would be reasonable to expect employees to utilise. The Town Council notes that the car park is particularly busy with visitors during school holiday periods and should be kept for visitors rather than employees. However, some members of the public state that there is little evidence of the car park being at capacity except during the national bowls competitions. Another member of the public requests that Bowls England staff do not use the Princes Drive car park which can become very congested at peak times.

The car park adjacent to the site is not included within the red line site and therefore cannot be controlled as part of this application, nor could the Princes Drive Car Park. It would be reasonable to expect employees to park within the adjacent public car park and there are public transport links within walking distance to the site. A parking survey of the adjacent car park was carried out over two days (Wednesday and Thursday), which included peak times when employees would be likely to be using the car park (8:00, 11:30, 13:30, 17:30 and 23:00). The survey showed that there is ample available parking to accommodate the increased demand generated by the change of use and extension, with 36 spaces being the minimum available at one of the survey times. The application form details that there would be 12 full time employees, which could easily be accommodated within the adjacent car park.

It is also noted that WCC Highways have no objection to the proposed development. It is considered that adequate parking provision is available for the proposed change of use and that the development would be in accordance with Local Plan policy TR3.

Ecological Impact and Trees

WCC Ecology have assessed the application and the bat roost assessment provided in support of the application. The assessment confirms the presence of bats within the existing building and WCC Ecology agree with the mitigation measures proposed by the applicant, which can be secured by condition. They also recommend the inclusion of informative notes relating to nesting birds, hedgehogs and general clearance of the site. They recommend retention of the existing hedgerows which is in accordance with the proposed drawings. Finally, WCC Ecology state that there would be some biodiversity loss from the removal of some mature garden. They confirm that this can be addressed through the additional planting of native trees and enhancements of boundary hedging, which can be secured by a condition for a combined ecological and landscaping scheme, which will be added.

There are no trees to be removed as part of the proposal. There are trees surrounding the site and a tree survey was provided in support of the application which has been assessed by the Council's Tree Officer. They have no objection to the proposal, subject to the development being carried out in accordance with the details submitted, which can be secured by condition.

The proposal is therefore considered to be in accordance with Local Plan policy NE2.

Flooding and Surface Water Drainage

The application site is located within Flood Zone 2, but is not located within 20 metres of a main river and the proposal is classified as 'less vulnerable' development. Therefore, consultation with the Environment Agency (EA) is not required. The proposal would constitute a "minor extension" and therefore the relevant guidance from the EA requires that the finished floor levels should be no lower than the existing floor levels, which the agent has confirmed in the flood risk assessment provided in support of the application. A condition has been added to secure this.

Confirmation is also required regarding to show that the property would not be flooded by surface water. The agent has confirmed that the ground floor will be fixed at 49.5m above ordinance datum and the topographical survey indicates that all ground levels immediately around the extension are lower as they range from 49.13m to 49.39m. It is standard practice to make the external levels nominally 0.15m below the ground floor level and since the surface water drainage system will be designed for a 1 in 100 year event with 40% allowance for climate change there will be very low risk of flooding from the surface water drainage system.

Given the low level of risk from surface water flooding and fact that the floor levels can be controlled by condition, the proposal is considered to be in accordance with Local Plan policies FW1 and FW2.

Other Matters

Support for the proposal was received from 2 members of the public, who state that the proposed employment use will not detract from the quality of life of the neighbourhood, and could provide a welcome diversity of interest in maintaining the neighbourhood's distinctive positive qualities.

Members of the public also note that the proposal will improve security in this part of the park and care for its upkeep.

A member of the public acknowledges that whilst not a planning issue, Bowls England and/or Warwick District Council should be encouraged to be transparent about the nature of the arrangement made for Victoria Lodge e.g. whether the terms (presumably for the sale of the lease to Bowls England) have been subject to a test of market rate or whether WDC have decided to allow Bowls England to acquire the lease on preferential terms? As noted by the member of the public, this is not a matter which can be considered as part of the planning application.

Conclusion

The specific circumstances associated with the nature of this application means that the change of use from residential to office accommodation in this location is acceptable in principle. Furthermore, as amended the proposed extensions would have an acceptable impact on the setting of the Conservation Area, Registered Park and Garden and the street scene. The development would not have a harmful impact on ecological species and the development provides adequate parking arrangements. The proposed development is therefore recommended for approval.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings BE 3064 PA 003 B and BE 3064 PA 004 C, and specification contained therein, submitted on 8th January 2020 and 15th January 2020 respectively. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

- 3 No works to commence on site, including site clearance, until a combined ecological and landscaping scheme has been submitted and agreed between the applicant and the local planning authority (with advice from WCC Ecological Services). The scheme must include all aspects landscaping including details of proposed mixed native species planting and habitat creation including the locations and proposed types of any bat and bird boxes on mature trees and proposed ponds or refuges for amphibians and reptiles and hedgehog highways/homes. The agreed scheme will be fully implemented before/during development of the site as appropriate. **REASON:** To ensure no net loss to biodiversity in accordance with the NPPF and Policy NE2 of the Warwick District Local Plan 2011 - 2029.
- 4 No development or other operations (including demolition, site clearance or other preparatory works) shall commence unless the tree protection measures identified in the approved application documentation have been put into place in full accordance with the approved details and thereafter shall remain in place for the full duration of any such construction work. In addition no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **REASON:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.
- 5 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.

- 6 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), 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 HE2 of the Warwick District Local Plan 2011-2029.
 - 7 The development hereby permitted shall be timetabled and carried out to wholly accord with the detailed mitigation measures for the safeguarding of bats within the site as set out in the document 'Roost Characterisation survey report V1A dated 8th January 2020' prepared by Wharton, received by the District Planning Authority on 8th January 2020. **REASON:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029.
 - 8 The development hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **REASON:** To ensure that a satisfactory provision of off-street car parking and turning facilities are maintained at all times in the interests of the free flow of traffic and highway safety in accordance with Policies TR1 and TR3 of the Warwick District Local Plan 2011-2029.
 - 9 The finished ground floor level of the approved extension shall be no lower than the finished floor level of the existing property. **REASON:** To ensure that future occupants are protected in the event of flooding in accordance with Policy FW1 of the Warwick District Local Plan 2011 - 2029.
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