

Planning Committee

Tuesday 1 February 2022

A meeting of the above Committee will be held in the Town Hall, Royal Leamington Spa on Tuesday 1 February 2022, at 6.00pm and available for the public to watch via the Warwick District Council [YouTube channel](#).

Councillor A Boad (Chairman)
Councillor T Morris (Vice Chairman)

Councillor M Ashford

Councillor R Dickson

Councillor O Jacques

Councillor J Kennedy

Councillor V Leigh-Hunt

Councillor C Quinney

Councillor N Tangri

Councillor J Tracey

Whitnash Residents Association Vacancy

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

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

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

3. **Site Visits**

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

4. **Minutes**

To confirm the minutes of the Planning Committee meeting held on 11 January 2022
(Pages 1 to 36)

Part B – Planning Applications

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

- 5. **W/21/0066 - Little Fieldgate, 55 Fieldgate Lane, Kenilworth (Pages 1 to 6)**
- 6. **W/21/0263 – Land North of Bakers Lane, Knowle, Solihull (Pages 1 to 10)**
- 7. **W/21/1084 - Southfields, 57 Lillington Road, Royal Leamington Spa
(Pages 1 to 12)**
- 8. **W/21/1443 – Land to The South and West of Coventry Airport, Coventry
(Pages 1 to 7)**
- 9. **W/21/1609 - 32 Wellesbourne Road, Barford (Pages 1 to 6)**
- 10. **W/21/1664 – Bluff Edge, Barford Road, Barford (Pages 1 to 5)**
- 11. **W/21/2069 - Chestnut House, The Old Nursery, Station Lane, Lapworth
(Pages 1 to 4)**

Part C – Other matters

- 12. **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 the Council's Public Speaking Procedure, members of the public can address the Planning Committee meeting remotely by joining the remote meeting through their personal device on any of the planning applications or Tree Preservation Order reports being put before the Committee. If you wish to do so, please register online at [Speaking at Planning Committee](#) any time after the publication of this agenda, but **before 10.00am** on the working day before the day of the meeting and you will be advised of the procedure.
- (d) please note that the running order for the meeting may be different to that published above, in order to accommodate items where members of the public have registered to address the Committee.

- (e) occasionally, items are withdrawn from the agenda after it has been published. In this instance, it is not always possible to notify all parties interested in the application. However, if this does occur, a note will be placed on the agenda via the Council's website, and where possible, the applicant and all registered speakers (where applicable) will be notified.

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

Telephone: 01926 456114

E-Mail: committee@warwickdc.gov.uk

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

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Planning Committee

Minutes of the meeting held on Tuesday 11 January 2022 at the Town Hall, Royal Leamington Spa at 6.00pm.

Present: Councillor Boad (Chairman); Councillors Ashford, Davison, R Dickson, Jacques, Kennedy, Leigh-Hunt, Margrave, Morris, Quinney, and Tracey.

Also Present: Committee Services Officer – Sophie Vale, Democratic Services Manager & Deputy Monitoring Officer (observing) – Graham Leach, Manager – Development Services – Gary Fisher, Principal Planning Officer – Helena Obremski, Head of Development – Adrian Harding, Business Manager – Development Management – Rob Young, Warwickshire County Council Highways Officer – Dave Pilcher, Director of Planning Icen Projects – Nick Ireland, Senior Officer, Highways Development Coventry City Council – Richard Hall, Highways and Drainage Development Manager Coventry City Council – Richard Thomas, Senior Environmental Health Officer – Michael Jenkins and Legal Advisor – Caroline Gutteridge.

127. **Apologies and Substitutes**

- (a) There were no apologies for absence received.
- (b) Councillor Davison substituted for Councillor Tangri and Councillor Margrave substituted for the Whitnash Residents Association vacancy.

128. **Declarations of Interest**

There were no declarations of interest made.

129. **Site Visits**

To assist with decision making, Councillors Boad, Dickson, Jacques, Kennedy, Leigh-Hunt, Morris and Quinney visited the application site for W/21/1370 – Coventry Airport, Rowley Road, Baginton, Coventry on Saturday 8 January 2022. Councillors Ashford and Boad also made independent visits to the site.

130. **Minutes**

The minutes of the meeting held on 14 December 2021 were taken as read and signed by the Chairman as a correct record.

131. **W/21/1370 – Coventry Airport, Rowley Road, Baginton, Coventry**

The Committee considered an outline planning application from Coventry Airport Ltd and Coventry City Council with all matters reserved apart from access for the development of battery manufacturing facility with ancillary battery recycling capability including landscaping, car parking, access and associated works.

PLANNING COMMITTEE MINUTES (Continued)

The application was presented to Planning Committee because of the number of objections received including objections from both Baginton and Bubbenhall Parish Councils. Should the application be granted, it would be subject to a Section 106 agreement and subject to referral to the Secretary of State under the Town and Country Planning (Consultation) (England) Direction 2021.

The officer considered that in terms of harm, the development represented a departure from the Local Plan regarding the provision of employment use outside of the directed areas. However, this had to be put into context; the specific nature of the proposal was of regional and arguably national importance, which did not directly compete with other employment allocations in the Local Plan. Moreover, the proposal aligned with the spatial strategy in the Local Plan, in that policy DS4 required that the majority of growth was focused on the main urban areas of Warwick, Royal Leamington Spa, Whitnash and Kenilworth and on the southern edge of Coventry. Therefore, the level of harm associated with the departure from the plan was offered limited negative weight.

The proposal included the loss of an airfield, which was considered to be part of the general aviation network. However, given its very limited existing connectivity and relatively limited opportunities to meaningfully increase connectivity at the site, its loss was significantly outweighed by the substantial benefits which were identified. The loss of the airfield was therefore offered some negative weight.

The development would have a detrimental impact on the wider landscape character, namely through the introduction of a large-scale industrial building, on an open site. However, as detailed above, owing to the wider site context, the actual level of harm was tempered, and the weight offered to the harm was considered to be moderate.

There would be less than substantial harm to the Baginton Conservation Area, identified as being on the lower end of the scale. In view of the limited level of harm, this was given some negative weight.

The development represented inappropriate development by definition within the Green Belt and was harmful to openness in visual and spatial terms. In totality, the NPPF required that this was afforded significant weight.

The benefits of the proposal included the provision of a minimum of 15 hectares of public open space, which would connect to the wider Community Park, approved as part of the Whitley South and Gateway South developments.

The proposal would also make a significant contribution in addressing climate change concerns, which was identified as a key priority within the NPPF.

The very special circumstances case proposed by the applicant detailed the urgent need for the development and the fact that the delivery of the development could not wait for the Local Plan review process (the South Warwickshire Local Plan timetable expected adoption in December 2025) to

PLANNING COMMITTEE MINUTES (Continued)

consider release of the site from the Green Belt. It was demonstrated that the application site was the only one which could deliver the development within the required timescales. There would also be significant economic benefits associated with the development on a local and regional scale, and with this, significant detrimental impacts on the region's car manufacturing industry if the development was not to go ahead.

Taken together, the benefits that were identified were considered to be substantial. The economic benefits in particular were afforded significant weight. Furthermore, the very special circumstances case was considered to be compelling. It was considered not only to outweigh the harm to the Green Belt but would also outweigh other matters of harm identified above. Whilst the totality of harm identified above would be substantial (principally due to the fact that the development was inappropriate by definition within the Green Belt), it was considered that the compelling and critical case put forward by the applicants clearly outweighed the identified harm.

For these reasons, it was recommended that Planning Committee should grant planning permission.

An addendum circulated prior to the meeting provided a summary of the additional consultation responses received since the publication of the committee report. Officers recommended that, if granted, the changes and additions to the S106 Agreement outlined within the addendum should also be approved by Councillors. The addendum advised amendments to the wording of Condition 9 and included further conditions that were requested by the Environmental Health Officer, WCC Landscape and WCC Archaeology. It mentioned the potential for the site to be connected to Coventry City Council's (CCC) Very Light Rail Project and stated that officers had agreed with CCC that this idea be passed on to the developer as a note. Details of the Section 106 agreement were also included in the addendum, which secured the use of the site and future occupier, meaning that the site would only be used for the production and recycling of batteries and related low emission power technologies, and could not be occupied by anyone not approved by WDC as being an appropriate commercial entity. The applicant agreed to an additional clause within the S106 agreement which required them to assist businesses located within the application site to relocate to new premises.

The report and addendum gave details of financial contribution requests that had been received, with the addendum, issued subsequently giving further details. At the time of the meeting, the following financial contribution requests had been received.

£1,517,000 contribution towards management of the impacts on infrastructure associated with A46 strategic road link (agreed by WCC Highways, National Highways and Coventry City Council).

- WCC Highways contributions:
- £250,000 towards active travel improvements to the south of the site;
- £410,000 contribution to Baginton Gateway cycle improvements
- £790,000 maximum contribution towards delivery of bus services to serve Warwickshire;

PLANNING COMMITTEE MINUTES (Continued)

- £1,250,000 maximum towards delivery of traffic management scheme through Baginton village;
- National Highways contributions:
- £320,000 towards cycle infrastructure improvements to the A45/A46/A444 Stivichall Junction or an alternative scheme;
- £400,000 towards cycle infrastructure improvements on the A45 Corridor, or an alternative scheme;
- Coventry City Council Highways contributions:
- £150 per employee mobility credits, capped at £315,000;
- £480,000 for improvements to W&C Howes Lane / to Finham;
- £1,100,000 towards London Road Active Travel Corridor;
- contribution £200,000 for improvements to St James' Lane to Willenhall / Binley;
- £49,050 x 11 stations to be agreed for cycle hire scheme;
- £1,200,000 towards bus service enhancements;
- £80,000 for bus priority improvements at A444 / London Road;
- £68,000 towards travel plan monitoring.
- Biodiversity offsite mitigation, to equate to provision of 120 biodiversity credits, with a cap of £2.4 million, unless otherwise agreed by the Council;
- Skylark mitigation, with a cap of £600,000, unless otherwise agreed by the Council;
- Air quality mitigation damage costs of £433,386.74 (or equivalent scheme to the value of);
- Employment and Skills Plan to maximise jobs and training benefits for the area;
- WDC monitoring fee.

The following people addressed the Committee:

- Councillor Keightley, representing Baginton Parish Council, speaking in objection;
- Councillor Shattock, representing Bubbenhall Parish Council, speaking in objection;
- Mrs Beeson, objecting;
- Mr Clark, objecting;
- Mr Gilder, objecting;
- Mr Hooton, objecting;
- Ms Lucey, objecting;
- Mr Konrad, objecting;
- Mr Mason-Allen, objecting;
- Mr Penson, objecting;
- Mr Roberts, objecting;
- Mr Stocker, supporting;
- Mr Tait, supporting; and
- Councillor Redford, Ward Councillor, speaking in objection

In response to questions, the Principal Planning Officer informed Members that the scale of the site was not unusual, and that the size addressed the need that electrical battery production required. The Principal Planning Officer added that as the vast majority of the site would be built form, there would be a loss of habitat for local wildlife. However, there would be an opportunity for biodiversity offsetting.

PLANNING COMMITTEE MINUTES (Continued)

Councillor Kennedy praised Condition 9 about large, decentralised heating networks, but he wanted to encourage the developer to set a higher level of sustainability than what was usually mandated by current building regulations. He noted that this new development was supposed to make a huge contribution to sustainability nationally, so it would make sense for the site itself to have more ambitious standards. The Principal Planning Officer and the Legal Advisor stated that a note could be added to ensure that the developer strived for greater sustainability and came as close to carbon neutrality as possible.

In addition to this, Councillor Davison asked that a second note be added to encourage the end user to accommodate electric vehicles in 100% of the site's available car parking spaces. The Principal Planning Officer had stated that although current policy required just 10% of car parking needed to provide for EVs, the applicant was proposing an increase to 25% already. However, Members felt that this was too low so a note requesting 100% should be included.

The Legal Advisor reminded Members that, prior to a decision being issued, in accordance with the Town and Country Planning (Consultation) (England) Direction 2021, the application would be referred to the Secretary of State. This was because the development was considered to represent inappropriate development in the Green Belt and was over 1,000sqm, which was the threshold required for referral. She also stated that the Secretary of State would have the power to impose new conditions or amend the ones agreed by the Committee.

Following consideration of the report, addendum, presentation and the representations made at the meeting, it was proposed by Councillor Jacques and seconded by Councillor Kennedy that the application be granted, subject to referral to the Secretary of State, the S106 obligations and conditions as set out in the report and addendum, along with the additional notes to the applicant.

Resolved that in respect of W/21/1370

- (1) it be **granted** subject to
 - (a) referral to the Secretary of State under the Town and Country Planning (Consultation) (England) Direction 2021;
 - (b) a section 106 agreement for the use and occupation of the site, and financial contributions as set out above; and
 - (c) the following conditions:

No.	Condition
(1)	details of the following reserved matters for each phase of the development shall be submitted to and approved in writing by the local planning authority before any part of that phase of

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	<p>the development is commenced:-</p> <ul style="list-style-type: none">• the layout of the phase and its relationship with existing adjoining development;• the scale of the buildings;• the appearance of the buildings; and• the landscaping of the site. <p>The development shall be carried out in full accordance with these reserved matters as approved. Reason: To comply with Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended);</p>
(2)	<p>application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission. Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended);</p>
(3)	<p>the development to which this permission relates shall begin within three years of the date of this permission or within two years of the final approval of the reserved matters, whichever is the later. Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended);</p>
(4)	<p>no development within any phase shall take place until a detailed surface water drainage scheme for that phase, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved</p>

PLANNING COMMITTEE MINUTES (Continued)

No.

Condition

details before the relevant phase of development is completed. The scheme to be submitted shall:

- Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
- Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- If discharging to a drainage system maintained/operated by other authorities (Environment Agency, internal drainage board, highway authority, sewerage undertaker, or Canals and River Trust), evidence of consultation and the acceptability of any discharge to their system should be presented for consideration.
- Provide plans and details showing the allowance for exceedance flow and overland flow routing, overland flow routing should look to reduce the impact of an exceedance event.

Reason: To prevent the increased risk of flooding; to improve and protect water quality and to improve habitat and amenity in accordance with Policies FW1, NE5, NE2 and BE3 of the Warwick District Local Plan 2011-2029;

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
(5)	<p>1. no development of each phase shall commence unless and until:</p> <p>(a) a site investigation shall be designed for that phase using the information obtained from the desk-top study and any diagrammatical representations (conceptual model). This must be submitted to and approved in writing by the planning authority prior to that investigation being carried out. The investigation must be comprehensive enough to enable:</p> <ul style="list-style-type: none">• A risk assessment to be undertaken relating to human health• A risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected• An appropriate gas risk assessment to be undertaken• Refinement of the conceptual model• The development of a method statement detailing the remediation requirements <p>(b) the site investigation has been undertaken in accordance with details approved by the planning authority and a risk assessment has been undertaken for that phase.</p> <p>(c) a method statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters using the</p>

PLANNING COMMITTEE MINUTES (Continued)

No.

Condition

information obtained from the site investigation for that phase, has been submitted to the planning authority. The method statement shall include details of programming and of how the remediation works will be validated upon completion of that phase. This should be approved in writing by the planning authority prior to the remediation being carried out on the site;

2. each phase of the development of the site shall accord with the approved method statement and programming for that phase;
3. if during development contamination not previously identified is found to be present at the site then no further development shall take place (unless otherwise agreed in writing with the planning authority through an addendum to the method statement). This addendum to the method statement must detail how this unsuspected contamination shall be dealt with and a programme for doing so;
4. upon completion of the remediation detailed in the method statement for each phase, a report shall be submitted to the planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved method statement for that phase. Post remediation sampling and monitoring

PLANNING COMMITTEE MINUTES (Continued)

No.

Condition

results for that phase shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report for that phase;

5. no occupation of each phase of development shall take place until a verification report demonstrating completion of the works set out in the approved remediation method statement and the effectiveness of the remediation has been submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To safeguard health, safety and the environment and to prevent the pollution of Controlled Waters, notably the underlying Principal and Secondary A groundwater aquifers and the nearby River Avon, in accordance with Policies

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| | BE3 and NE5 of the Warwick District Local Plan 2011-2029; |
| (6) | <p>no development, other than works of demolition, shall be carried out unless and until a Materials Management Plan for the site to ensure that minerals which can be viably recovered during development operations are recovered, has been provided to and agreed in writing by the Local Planning Authority. The Plan shall set out measures to be taken to minimise the sterilisation of minerals resources of local and national importance, the type and anticipated quantity of mineral to be removed, the method of recovery, time scales, on-site and off-site storage facilities, movement of minerals both on site and/or off site and the measures and controls to be applied to deal with amenity considerations. The Materials Management Plan shall be adhered to throughout the duration of the construction period. Reason: To minimise the sterilisation of minerals resources, in accordance with the requirements of Policy NE5 of Warwick District Local Plan 2011 – 2029;</p> |
| (7) | <p>no above ground construction shall commence in each phase until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site for that phase, has been submitted to and approved in writing by the Local Planning Authority. That phase of the development shall not then be occupied until the scheme for that phase has been implemented to the satisfaction of the Local Planning Authority. Reason: In the interests of public safety from fire and the</p> |

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	protection of emergency fire fighters;
(8)	<p>no demolition or construction works shall commence in any phase (including any ground remodelling works), until an arboricultural method statement (AMS) and a tree protection plan (TPP), together referred to as the scheme of protection, for the protection of the trees to be retained within that phase have been submitted to and approved in writing by the Local Planning Authority.</p> <p>The scheme of protection must be prepared in accordance with BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations (referred to here as BS 5837) and shall refer to a retained tree's root protection area (RPA as defined in BS 5837) and to any work that may affect a retained tree above-ground.</p> <p>Specific issues to be considered in the scheme of protection shall include how to control:</p> <ul style="list-style-type: none">• the impact that demolition may have (if appropriate).• the impact that the installation of services/utilities/drainage may have (if appropriate).• the impact that construction may have• the impact that changes in level may have. <p>The scheme of protection should make recommendations for:</p> <ul style="list-style-type: none">• tree pruning to allow the development to proceed (if appropriate)• tree protection, to be shown on the TPP with offsets from fixed points to confirm the alignment of any protective

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	<p>fencing and the extent of any ground protection</p> <ul style="list-style-type: none">• ground protection where scaffolding will be erected (if appropriate)• ground protection where cranes will be installed (if appropriate).• the specification and installation of any boundary treatments within or adjacent RPA's or that may impact any of the retained trees• the specification for the construction of any access, driveway, parking area or the like that encroach over the RPA's of the retained trees• site setup, including (but not limited to) site access, parking, on-site welfare facilities, temporary buildings, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing, including suitable control measures to protect the retained trees from harm from those facilities or activities• a site monitoring protocol that will confirm by independent examination by a suitably qualified tree specialist that the agreed scheme of protection is in place

The development thereafter for that phase shall be implemented in strict accordance with the approved scheme of protection, which shall be kept in place until all parts of the development of that phase have been completed and all equipment, machinery and surplus materials have been removed.

Reason: In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| | BE1 and NE1 of the Warwick District Local Plan 2011-2029; |
| (9) | <p>no phase of the development hereby permitted shall be commenced unless and until a pre-assessment and design stage assessment by an accredited BREEAM assessor demonstrating how the development will be designed and constructed to achieve as a minimum BREEAM standard 'very good' (or any future national equivalent) for that phase has been submitted to and approved in writing by the Local Planning Authority. Consideration must be given to the potential to incorporate large scale decentralised district heating networks such as Combined Heat and Power (CHP). Within six months of the first occupation of the development in that phase a completion stage assessment by an accredited BREEAM assessor demonstrating that the development in that phase achieves as a minimum BREEAM standard 'very good' (or any future national equivalent) shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: To deliver reductions in carbon dioxide emissions, building running costs, energy consumption and water use in accordance with the provisions of Policy CC3 in the Warwick District Local Plan 2011-2029.</p> |
| (10) | <p>notwithstanding the submitted details, no phase of development shall commence on any reserved matters consent until a Final Tree Retention and Removal Plan identifying existing trees, shrubs and hedgerows to be retained within the area to which that application relates has been submitted to and</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| | approved in writing by the local planning authority. The existing trees, shrubs and hedgerows shown to be retained on this plan shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any trees, shrubs or hedgerows removed without such consent or dying, or being severely damaged or diseased or becoming, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with trees, shrubs or hedgerows of such size and species details of which must be submitted to and approved by the local planning authority. All trees, shrubs and hedgerows shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces). Reason: To protect those landscape features which are of significant amenity value and which ensure a satisfactory standard of appearance for the development in the interests of the visual amenities of the area in accordance with Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011; |
| (11) | each phase of the development hereby permitted shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the District Planning Authority for that phase. The CEMP needs to be compliant with the British Standard on Biodiversity BS 42020:2013 published in August 2013. In discharging this |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| | condition the LPA expect to see details concerning pre-commencement checks and monitoring for protected and notable species, and habitats as deemed appropriate. In addition appropriate working practices and safeguards for other wildlife dependent on further survey work, that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full for each phase. Reason: To ensure that protected species are not harmed by the development, in accordance with the National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Policies NE2 and NE3 of the Warwick District Local Plan 2011-2029; |
| (12) | <p>no development of each phase shall commence until a Protected Species Contingency Plan has been submitted to and approved in writing by the planning authority for that phase of development. The plan shall include:</p> <ul style="list-style-type: none">a) Updated species surveys –<ul style="list-style-type: none">- Further bat survey of the trees (if trees in the pLWS Rowley Lane are to be impacted, or final plans show trees to be removed, sensitive areas impacted by lighting or significant period lapses);- Updated checks of the buildings for bats;- <i>Further</i> updated badger surveys;- and other species where deemed appropriate.b) If updated surveys record a protected species details will be required on development licences and appropriate mitigation strategy. The latter |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| | <p>may result in changes to the proposed layout.</p> <p>Reason: To safeguard the presence and population of 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.</p> <p>Note: The outcomes of the surveys are likely to have implications for the design and/or layout of the development;</p> |
| (13) | <p>each phase of the development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the District Planning Authority for that phase. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as water bodies, native species planting, wildflower grasslands; woodland creation/enhancement, provision of habitat for protected species. Such approved measures shall thereafter be implemented in full for that phase. Reason: To ensure a net biodiversity gain in accordance with NPPF;</p> |
| (14) | <p>no development shall be commenced until adequate measures have been taken to protect existing habitat within the potential Local Wildlife Site(LWS), Rowley Lane, during development. A barrier, such as a wire fence, should be erected before works start. This fenced area should include a suitable buffer zone between the</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | development/associated works and the boundary of the LWS. Access to, or storage of materials within, this buffer zone must not be permitted. Reason: To ensure the protection of important habitats during development in accordance with Policy NE2 of the Warwick District Local Plan 2011 – 2029; |
| (15) | <p>no phase of the development hereby permitted shall be commenced unless and until a scheme detailing how the development has been designed in accordance with the principles of 'Secured by Design Commercial 2015' (or any future national equivalent) for that phase, has been submitted to and approved in writing by the Local Planning Authority. In particular, when discharging this condition, the LPA expects to see the following information considered:</p> <ul style="list-style-type: none">• Building sites and in particular, site offices and storage areas are becoming common targets for crimes such as theft of plant and fuel. These sites should be made as secure as possible.• All plant and machinery should be stored in a secure area.• Tools and equipment should be marked in such a way that they are easily identifiable to the company.• Consideration should be given to the use of security patrols.• Developers are requested to inform the local Safer Neighbourhood Policing Team, which covers the area of the development that they have arrived on site and provide contact numbers of the site manager for use in the case of an emergency. |

PLANNING COMMITTEE MINUTES (Continued)

No.

Condition

- A grid reference for the site should be provided.

Each phase shall be carried out in accordance with the approved details and any approved security measures shall be retained in perpetuity.

Reason: To ensure a high quality design which is designed against crime and fear of crime, in accordance with the NPPF and Policy BE1 of Warwick District Local Plan 2011 – 2029;

- (16) Each phase of the development hereby permitted shall not commence unless and until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall provide information on:
- the anticipated movements of vehicles;
 - the parking and loading/unloading of staff, visitor, and construction vehicles;
 - the storage of plant and materials used in constructing the development;
 - a turning area within the site for construction vehicles;
 - wheel washing facilities and other measures to prevent mud/debris being passed onto the public highway;
 - a construction phasing plan;
 - a HGV routing plan for construction traffic and deliveries.;
 - any temporary measures required to manage traffic during construction,
 - plans and details of haul roads within the site and for the turning and unloading and loading of vehicles within the site during construction,

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	<ul style="list-style-type: none">• dust management and suppression measures,• odour management and suppression measures• demolition or clearance works,• noise assessment and mitigation method statements for the construction activities; in accordance with provisions of BS 5228:2009 Code of practice for noise and vibration control on construction and open sites – Part 1 and 2; concrete crusher if required or alternative procedure,• delivery times,• site lighting, access and protection arrangements around the site for pedestrians, cyclists and other road users,• restrictions on burning and details of all temporary contractors buildings,• plant and storage of materials associated with the development process,• external safety and information signing notices,• complaints procedures, including complaints response procedures and dedicated points of contact,• membership of the considerate contractors scheme, and• best practicable means shall be employed at all times to control noise and dust on the site, including specification for approval of the hours within which work which is likely to give rise to noise nuisance, and the arrival of delivery vehicles, are allowed.

A model CMP can be found on the Council's website
(<https://www.warwickdc.gov.uk/downloads/file/5811/construction>)

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | n management plan) or by searching 'Construction Management Plan'. The development hereby permitted shall only proceed in strict accordance with the approved CMP. Reason: In the interests of the safe and efficient operation of the strategic road network, highway safety, the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with the NPPF and Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029; |
| (17) | no development shall take place other than in accordance with a phasing plan, or any subsequent revision to a previously approved phasing plan, which shall first have been submitted to and approved in writing by the Local Planning Authority. Reason: To define the permission in the interests of highway safety and impact on neighbouring amenity in accordance with Policies TR1, TR3 and BE3 of the Warwick District Local Plan 2011-2029; |
| (18) | no occupation and subsequent use of any phase of the development shall take place until a detailed maintenance plan is implemented and provided to the LPA giving details on how surface water systems shall be maintained and managed for the lifetime of the development of that phase. The name of the party responsible, including contact name and details shall be provided to the LPA within the maintenance plan. Reason: To ensure the future maintenance of the sustainable drainage structures in accordance with Policy FW2 of |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | the Warwick District Local Plan 2011 – 2029; |
| (19) | piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details. Reason: To ensure the protection of Controlled Waters in accordance with Policy NE5 of the Warwick District Local Plan 2011 – 2029; |
| (20) | no infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. Reason: To ensure the protection of Controlled Waters in accordance with Policy NE5 of the Warwick District Local Plan 2011 – 2029; |
| (21) | no construction or deliveries traffic during the construction phase will take place Monday to Friday during the following time periods 07:00 – 09:00 and 16:00 – 18:00 to minimise the impact construction traffic has on the operation of A45 and A46 Corridors, notably A45/A46/A444 Stivichall and A45/A46 Toll Bar End Junctions during the peak travel periods. Reason: To ensure the safe and efficient operation of the strategic road network in accordance with the NPPF and |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | Policy TR1 of the Warwick District Local Plan 2011 – 2029; |
| (22) | <p>prior to occupation of the first phase of the development a Site Wide Travel Plan will be submitted and approved in writing by the Local Planning Authority in consultation with Highways England as Highway Authority for the A45 and A46 Corridors. The approved Site Wide Travel Plan shall be implemented in strict accordance with the approved details at all times thereafter.</p> <p>Reason: To promote the use of sustainable modes of transport and reduce the reliance upon car based journeys, in accordance with the NPPF and Policies TR1 and TR2 of the Warwick District Local Plan 2011 – 2029;</p> |
| (23) | <p>in respect of the Reserved Matters to be submitted in accordance with Condition 1, the building ridge heights and footprints and the overall Gross Internal Area of all building floorspace shall be within the maximum limits set down in approved Parameters Plan drawing no. 1618701-SPG-XX-XX-DR-A-111008. Reason: To define the permission in the interests of urban design and highway safety and capacity in accordance with Policies BE1 & TR2 of the Warwick District Local Plan 2011-2029;</p> |
| (24) | <p>the reserved matters to be submitted in accordance with Condition 1 for each phase shall include sample details of facing, roofing and hard surfacing materials for that phase. Thereafter the development shall be constructed in full accordance with such approved details or any amendment of these subsequently approved in writing by the local planning</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | authority. Reason: To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029; |
| (25) | pursuant to condition one, in respect of each phase of development, any hard landscaping approved under any reserved matters consent, including boundary treatment, paving and footpaths, shall be completed in all respects within the 6 months of the first use of that phase of the development hereby permitted. In respect of each phase of development, any soft landscaping approved under any reserved matters consent, including any tree(s) and shrub(s), shall be planted within the first planting season following that first use of that phase. Any tree(s) or shrub(s) removed, dying, or becoming in the opinion of the local planning authority seriously damaged, defective or diseased within five years from the substantial completion of that phase of development shall be replaced within the next planting season by tree(s) or shrub(s) of the same size and species to those originally required to be planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. Reason: To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029; |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| (26) | the reserved matters to be submitted in accordance with Condition 1 shall be accompanied by details of showering and changing facilities for employees working or visiting. Thereafter such approved facilities shall be provided in the construction of the development at all times following the first occupation. Those facilities shall remain in place and be available for use at all times thereafter. Reason: To promote sustainable transport choices in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029; |
| (27) | <p>no lighting or illumination of any part of the building or site shall be installed for each phase of the development until a detailed lighting scheme has been submitted and agreed between the applicant and the local planning authority for that phase. In discharging this condition the District Planning Authority expects lighting to be restricted around the boundary edges, along the pLWS Rowley Lane wooded belt, any trees, hedgerows, around any known bat roosts and badgers setts, and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife. This could be achieved in the following ways:</p> <ul style="list-style-type: none">• Lighting should be directed away from vegetated areas• Lighting should be shielded to avoid spillage onto vegetated areas• The brightness of lights should be as low as legally possible;• Lighting should be timed to provide some dark periods;• Connections to areas important for foraging should contain unlit stretches. |

No.

Condition

The lighting scheme must include:

- a layout plan detailing the position and type of the proposed lighting for both the construction and operational phase lighting. This should incorporate a zone of influence contour plan showing illuminance levels in relation to residential receptors prior to work starting. The lighting assessment should provide maximum vertical illuminance levels at nearby residential receptors.
- mounting heights and beam orientation, description and type of luminaires / lamp and angle of lighting and predicted light spill/ trespass beyond the site.
- steps taken to minimize light trespass, glare and sky glow.
- proposed time of operation of the lighting in the scheme including details of any control such as movement detectors and timers.
- purpose of the lighting – e.g. general amenity, security, advertising.

The lighting shall be carried out and operated only in full accordance with those approved details. **Reason:** To ensure that any lighting is designed and operated so as not to detrimentally affect the amenities of the occupiers of nearby properties and to safeguard the presence and population of protected species in line with UK and European Law, the National Planning Policy Framework and Policies BE3 and NE2 of the Warwick District Local Plan 2011-2029;

- (28) no phase of the development hereby permitted shall be

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | occupied until a scheme which satisfies the requirements set out in the Council's adopted Air Quality and Planning Supplementary Planning Document (January 2019) for that phase 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; |
| (29) | noise arising from any plant or equipment (measured as LAeq,5 minutes), when measured one metre from the façade of any noise sensitive premises, shall not exceed the background noise level (measured as LA90,T). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level.
Reason: To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029; |
| (30) | the development shall not be occupied until the vehicular access and emergency vehicular access into the application site have been provided, in accordance with Drawing Number 05232-j-0100-P3 (Preliminary Access Proposals) and constructed to the standard specification of the Local |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | Highway Authority. Reason: In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029; |
| (31) | no development shall be occupied until the estate roads (including footways) serving it have been laid out and substantially constructed to the satisfaction of the Highway Authority in accordance with details approved in writing by the Local Planning Authority. Reason: In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029; |
| (32) | the accesses to the site shall not be constructed in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway. Reason: In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029; |
| (33) | prior to the submission of any reserved matters application for any phase of the development, a Parking Strategy for that phase shall be submitted to and approved in writing by the local planning authority. The approved Parking Strategy shall thereafter be implemented in strict accordance with the approved details. Reason: To ensure adequate off-street car parking and servicing facilities in the interests of highway safety in accordance with Policies TR1 and TR3 of the Warwick District Local Plan 2011-2029; |
| (34) | no phase of the development hereby permitted shall be occupied unless and until the car |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | parking and manoeuvring areas, and secure cycle parking area indicated on the approved drawings as part of the reserved matters process for that phase have been provided and thereafter those areas shall be retained and kept marked out and available for such use at all times. Reason: To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual / residential amenity in accordance with Policies BE1, BE3 and TR3 of the Warwick District Local Plan 2011-2029; |
| (35) | each reserved matters application shall include for a scheme of cycle parking to meet the minimum requirements of the Warwick District Parking Standards. Reason: To ensure adequate cycle storage facilities are provided in the interests promoting sustainable transport patterns in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029; |
| (36) | prior to occupation of any building within the development hereby permitted, access on Bubbenhall Road, Stoneleigh Road and Coventry Road for the vehicles of employees, HGVs and other service/delivery vehicles to the site, shall be restricted and enforced in full accordance with an Access Restriction Strategy (taking into account the provisions included with in the strategy for Gateway South) that shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the monitoring and enforcement of the approved Strategy associated with the development shall be managed in full accordance with this approval unless otherwise agreed in writing by the Local |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | Planning Authority. Reason: To ensure that HGV and employee traffic does not result in a detrimental impact on amenity and in the interests of both highway safety and residential amenity in accordance with Policies BE3 and TR1 of the Warwick District Local Plan 2011-2029; |
| (37) | in pursuance of condition 1 above, the details submitted shall be in accordance with the Green Infrastructure Strategy (Appendix 11.9 of the Environmental Statement), submitted with the application.
Reason: In accordance with Policies NE1 and NE4 of the Warwick District Local Plan 2011 – 2029; |
| (38) | the submission of any reserved matters application for any phase of the development shall be accompanied by a noise impact assessment report for all operational noise for that phase, to be submitted to and agreed in writing by the Local Planning Authority for approval. The report shall include full details of noise mitigation measures for that phase of the development (including noise calculations). The noise mitigation measures approved shall be implemented in strict accordance with the approved details. The approved noise mitigation measures shall be maintained in a manner that achieves the noise attenuation specified in the approved report at all times thereafter.
Reason: To ensure that the level of noise emanating from the site is confined to levels which would not cause unacceptable disturbance to the detriment of the amenities of the occupiers of nearby properties in accordance with Policy BE3 of |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | the Warwick District Local Plan 2011-2029; |
| (39) | <p>the submission of any reserved matters application for any phase of the development shall be accompanied by an air quality assessment report for all operational plant source emissions from that phase, to be submitted to and agreed in writing by the Local Planning Authority. The report shall include full details of air quality mitigation measures for that phase of the development. The air quality mitigation measures approved shall be implemented in strict accordance with the approved details. The approved air quality mitigation measures shall be maintained in a manner that achieves the mitigation specified in the approved report at all times thereafter.</p> <p>Reason: To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan;</p> |
| (40) | <p>any potential odour processes within any phase of development shall be identified and an odour assessment (including external ducting flues) for that phase shall be submitted to and approved in writing by the Local Planning Authority. Any mitigation required shall be installed in full accordance with the approved details, along with an Odour Management Plan and the equipment shall be inspected by the Local Authority before the use hereby permitted commences within that phase. The equipment shall thereafter be permanently maintained in full accordance with the manufacturer's instructions and be operated at all times.</p> <p>Reason: To ensure that odours</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | emanating from the site are confined to levels which would not cause unacceptable disturbance to the detriment of the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029; |
| (41) | the development hereby permitted shall at all times comply with the Detailed Unexploded Ordnance (UXO) Threat & Risk Assessment (Dated April 2021), including the recommended risk mitigation measures. Reason: In the interests of the protection of health and safety in accordance with Policy BE3 of the Warwick District Local Plan 2011 – 2029; |
| (42) | <p>no reserved matters shall be approved until a site wide Design Code for the approved development has been submitted to and approved in writing by the Local Planning Authority. The Design Code shall be in accordance with the approved parameters plan and the Nature Principles of the National Design Code 2021 (or any subsequent revision).</p> <p>The Design Code shall include the following matters:</p> <ol style="list-style-type: none">1. A hierarchy of the landscape elements that will contribute to the creation of high-quality place making that has strong visual and landscape connectivity with the site's immediate surroundings and the wider area. The design should be of a high quality, innovative, sensitive to, and in keeping with the area in which it is to be located. Advance planting and carefully designed bunding should be a consideration to help mitigate the development. |

PLANNING COMMITTEE MINUTES (Continued)

No.

Condition

2. Reflect that access to usable and attractive green space is important for health and wellbeing and should reflect local needs, directly connect to the wider green infrastructure, namely the nearby Community Park, and create accessible and well-designed amenity green spaces. Trees and associated green infrastructure should provide for a range of functions and benefits and be proportionate to the built development and of a sufficient height at the time of planting to help mitigate the development. A list of species should be provided as a palette for use. This can include non-native species within the core of the development. Trees should be selected to reflect the local landscape character and which can provide valuable habitat and take account of local site conditions.

3. Consider sustainability and climate change, e.g. in terms of choice of materials, boundary treatments, water conservation, and sustainable drainage.

4. Neighbourhood views and middle to long distance views are considered to be sensitive and should be a design consideration. Green walls should be considered to help minimise landscape and visual impacts, particularly those which face towards the public realm. External lighting should be sensitively designed to avoid light spillage.

The reserved matters for any phase should reflect the approved Design Code or any subsequent amendment to the Design Code which shall first have been submitted to and

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | approved by the Local Planning Authority.
Reason: To ensure that the proposed development has a high-quality comprehensive design and in the interests of the visual amenities of the locality in accordance with the NPPF and Policy BE1 of the Warwick District Local Plan 2011-2029; and |
| (43) | prior to the approval of Reserved Matters for any phase of development:
a) A programme of archaeological evaluation is to be undertaken in in accordance with a written scheme of investigation for that phase which has been submitted by the applicant and approved in writing by the local planning authority. A report detailing the results of this fieldwork is to be submitted to the Local Planning Authority.
b) An Archaeological Mitigation Strategy document for that phase shall be submitted to the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development for that phase. Dependent upon the results of the trial trenching, this may include further archaeological fieldwork and/or the preservation in situ of any archaeological deposits of national importance. Unless otherwise agreed in writing with the Local Planning Authority, no development shall take place in any development phase until the Archaeological Mitigation Strategy document for that development phase has been approved in writing by the Local Planning Authority and any fieldwork detailed in the approved Archaeological |

PLANNING COMMITTEE MINUTES (Continued)

No.

Condition

Mitigation Strategy document has been completed to the satisfaction of the Local Planning Authority. The post-excavation analysis, publication of results and archive deposition shall be undertaken in accordance with the approved Mitigation Strategy document.

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

- (2) that subject to the wording being agreed in liaison with the Chairman the following notes to the applicant be added to the decision notice:
 - (a) the improved sustainability potential of the building so it is as close to carbon neutral as possible;
 - (b) the expectation that 100% of the car parking space will have the provisions to accommodate electric vehicle charging; and
 - (c) the applicant be encouraged to design the proposed multi-modal interchange, and associated access arrangements at the Gigafactory site to provide passive provision to accommodate future Very Light Rail services, in addition to the bus services that will be serving the site from the opening of the site, in consultation with Coventry City Council and Warwickshire County Council Highways Engineers.
- (3) authority be delegated to the Head of Development Services, in liaison with the Chair of Planning Committee, to finalise the terms of the Section 106 agreement including any variation to, or clarification of, the sums requested where the revised sums meet the relevant statutory test; and

PLANNING COMMITTEE MINUTES (Continued)

- (4) should a satisfactory Section 106 agreement not have been completed by 31st March 2022 and there is no ongoing progress towards the satisfactory completion of the Section 106 Agreement, authority be delegated to the Head of Development Services to REFUSE planning permission on the grounds that the proposal makes inadequate provision in respect of the issues that are the subject of that agreement.

(The meeting ended at 9.46pm)

CHAIRMAN
1 February 2022

Application No: [W 21 / 0066](#)

Town/Parish Council: Kenilworth
Case Officer: Andrew Tew

Registration Date: 13/01/21
Expiry Date: 10/03/21

01926 456555 andrew.tew@warwickdc.gov.uk

Little Fieldgate, 55 Fieldgate Lane, Kenilworth, CV8 1BT

Demolition of existing bungalow and erection of 1no. two storey dwelling FOR Mr R Davis

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

RECOMMENDATION

The application is recommended for refusal.

DETAILS OF THE DEVELOPMENT

The application seeks the demolition of an existing bungalow and erection of 1no. two storey dwelling.

THE SITE AND ITS LOCATION

The application site consists of a bungalow, likely built in the 1960's/70's, with gardens to the front and rear, in Kenilworth Conservation Area. The property is in a poor state of repair.

Grade II listed Fieldgate House sits to the north of the application site. Map regression indicates that the site is within the historic garden and original curtilage of Fieldgate House. Fieldgate Lane has a mixed character in terms of overall design, comprises of large, detached houses set within extensive grounds and gardens. Houses to the north section of Fieldgate Lane are noticeably modern when compared with Arts and Crafts style thatched properties at Nos 33-45 (odds).

PLANNING HISTORY

The site has no relevant planning history.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- H1 - Directing New Housing
- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets

Kenilworth Neighbourhood Plan

- Policy KP12: Parking Standards
- Policy KP12: General Design Principles
- Policy KP13M - Design Management in Fieldgate Lane
- Policy KP15: Environmental Standards of New Buildings

Guidance Documents

- Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Document- May 2018)

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council – No objection

WDC Conservation - Objection. The proposal is considered harmful to setting of the Grade II Listed Building and Conservation Area.

WCC Ecology – No objection.

WCC Highways - No objection

Conservation Advisory Forum - The proposal is more in keeping with the street scene than the current bungalow, but exhibits no discernible character, particularly the North elevation and the views from the Listed Building. Brick piers should be rendered. Overall, not a cohesive design.

Public response - 5 No. Support, 2 No. Object, 1 No. Neutral

Support comments are thus:

- Sympathetic design and size
- Enhance area
- Size similar to other properties
- Long distance away from LB
- HIA completely vindicates development
- Department For Levelling Up, Housing and Communities would support

Objection comments are thus:

- Inconsistent plans - location of proposed garage
- Damage to foundations of No. 57
- Restricted garage maintenance for No. 57
- Ground water, damp risk, surface water

- Boundary trees outside of site area
- Proposed dwelling too tall
- Existing bungalow well maintained at point of sale
- Amended design too large still
- Disagree with HIA

Neutral comments suggest the rear balcony will overlook property at rear and be visible from the listed Fieldgate House.

Assessment

Design

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

The proposal will introduce a modern, two-storey, 5 bedroom dwelling with double garage in place of a modest bungalow. The proposed dwelling would be a mix of render and facing brick, with stone lintels and plain tiles.

Map regression indicates that the site is within the historic garden and original curtilage of Fieldgate House. reinforced by the property's name, "Little Fieldgate". The existing bungalow appears subservient to Fieldgate House with limited public views of it from the surrounding area. The proposed dwelling is a significantly larger footprint and two stories in height. It would be highly visible from the corner of Fieldgate Lane and Beehive Hill looking south. It is therefore considered that it fails to respect surrounding buildings in terms of scale, height, form and massing

The development is therefore considered to conflict with the NPPF, Local Plan policy BE1 and Neighbourhood Policy KP13.

Impact on Heritage Assets

Section 72 of the Planning (Listed Buildings and Conservation Areas) 1990 imposes a duty when exercising planning functions to pay special attention to the

desirability of preserving or enhancing the character of a Conservation Area. Section 66 of the Planning (Listed Buildings and Conservation Areas) 1990 imposes a duty Act to have special regard to the desirability of preserving a LB or its setting.

Paragraph 199 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 202 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 designated heritage assets and Conservation Areas, the Council will require that proposals do not have a detrimental effect upon the integrity and character of the building or its setting, or the Conservation Area. Local Plan policy HE2 supports this and states that it is important that development both within and outside a conservation area, including to unlisted buildings, should not adversely affect its setting by impacting on important views and groups of buildings within and beyond the boundary.

WDC Conservation have been consulted and have no objection to the demolition of the existing building, which is not considered to contribute towards the appearance or character of the Conservation Area. However, the existing house is single storey, hidden from public view due to tree coverage and does not in any way compete with the listed building to the north – Fieldgate House. In addition, although it is recognised that the majority of dwellings on Fieldgate Lane are two storey in height and set within extensive grounds, the proposed height and scale, combined with the proximity to the listed building, would arguably compete with the prominence of the heritage asset and affect its immediate setting. Map regression indicates that the site is within the historic garden and original curtilage of Fieldgate House and open views exist from the courtyard of the listed building to the application site.

The agent has been informed of the concerns and submitted a redesigned scheme to attempt to address concerns with the height, scale and mass of the proposed dwelling. This comprised of moving the proposed dwelling from the side boundary with the listed building, reducing and rendering the rear, flat roofed element and rebuilding the front gate piers in reclaimed brick. Reference is made to 55a Fieldgate Lane as justification for the significant increase on size, and although this may have been located within the historic curtilage of the LB, this is set further away from the heritage asset with lower overall height and low eaves. A Heritage Impact Statement accompanying the amendments concluded "*the proposals will*

result in no harm – substantial or less than substantial - to the character, setting or significance of any adjacent heritage assets”

The amended proposal is considered to do little to reduce the overall bulk, height or mass of the proposed replacement. WDC Conservation have been consulted on the amended design and view the reduction as insufficient to address concerns in relation to height, massing and bulk. Noting it is still a substantial house located in the direct setting of a Grade II listed building and within its historic curtilage.

The proposal is considered harmful to both the setting of the Grade II listed building and Conservation Area. Although this harm is considered to be less than substantial, there are no public benefits to outweigh this with no clear or convincing justification presented, contrary to the aforementioned policy and legislation. The development is therefore considered to conflict with the NPPF, Local Plan Policies HE1 and HE2 and Neighbourhood Policies PM13M and KP14.

Impact on the Living Conditions of Neighbouring Dwellings

The design has taken into account the 45 degree sight line of adjacent properties and does not create a breach. It also accords with requirements of the Residential Design Guide in terms of separation distances.

Comments from neighbours suggest the balcony at rear will overlook the neighbour at rear, but taking size of the garden into account, the separation distance is sufficient.

There has been an objection in regard to potential foundation damage and restriction of space for garage maintenance at no. 57. As the proposed development is within the red line of ownership, these are civil matters.

As such, the proposal would have an acceptable impact on the living conditions of neighbouring dwellings and accords with Local Plan Policy BE3.

Car parking and highway safety

The existing dwelling has parking for 3 vehicles and the requirement for parking remains unchanged, therefore the proposal meets the Council's minimum car parking requirements in accordance with the Vehicle Parking Standards SPD.

WCC Highways have been consulted and have no objections, subject to a condition on the gates opening 6m away from the highway.

As such, the proposal would have an acceptable impact in relation to car parking and highway safety and accords with Local Plan Policies TR1 and TR3.

Ecology

A bat survey report was submitted with the application which has been considered by the County Council Ecologist. The Ecologist has recommended that a number

of conditions are attached to any forthcoming permission to ensure the protection of bats.

Subject to the imposition of these conditions, the proposals would have an acceptable ecological impact. As such, the proposal accords with Local Plan Policy NE2.

Trees

WDC's Tree Officer has been consulted and raises no objection, subject to a condition on the provision of a method statement and tree protection plan, to address concerns for site access during construction.

Other Matters

In relation to comments from Kenilworth Town Council, water optimisation will be achieved via condition.

Objections in regard to ground water and surface water would be dealt with by condition.

Objections in regard to damp is outside of the remit of planning.

Summary

The proposal is considered harmful to both the setting of the Grade II Listed Building and Conservation Area. Although this harm is considered to be less than substantial, there are no public benefits to outweigh this with no clear or convincing justification presented, contrary to the aforementioned policy and legislation. Therefore, it is recommended the application is REFUSED.

REFUSAL REASONS

- 1 Policy HE1 of the Warwick District Local Plan 2011-2029 and the NPPF state that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal.

The proposal is considered harmful to both the setting of the Grade II listed building and Conservation Area. Although this harm is considered to be less than substantial, there are no public benefits to outweigh this with no clear or convincing justification presented, contrary to the aforementioned policy and legislation. No public benefits have been identified to outweigh this harm.

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

Application No: [W 21 / 0263](#)

Town/Parish Council: Lapworth
Case Officer: Dan Charles

Registration Date: 29/01/21
Expiry Date: 26/03/21

01926 456527 dan.charles@warwickdc.gov.uk

Land North of Bakers Lane, Knowle, Solihull, B93 8PT

Change of use of land to the keeping of horses, erection of stables, construction of all-weather riding arena and laying of hardstanding. (Amendment: hay barn omitted from scheme, hardstanding reduced in size and access provided to paddock area) FOR Mr. Smith

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

RECOMMENDATION

That planning permission is GRANTED with conditions.

DETAILS OF THE DEVELOPMENT

The proposed development is for the use of land for equestrian purposes together with the erection of a small stable building, manege area and area of hardstanding. Also proposed is post and rail fencing to the manege area together with new hedge planting to boundaries.

The proposed stable building consists of a single stall and a tack/fodder store room.

The building measures 7.8m x 4.15m (5.15m with front roof overhang) with an eaves height of 2.3m and overall height to ridge of 3.6m.

The Manege is proposed to be 20m x 20m square with a surface of shredded rubber to a depth of 50mm over a 50mm layer of sand with a 300mm sub-base of clean hardcore. Fencing to the manege is a timber post and rail fence.

An area of permeable stone hardstanding is proposed from the main access drive to the frontage of the stables.

THE SITE AND ITS LOCATION

The application site relates to an equestrian field located on the southern side of Bakers Lane, within the Green Belt and a rural area.

Within the wider site, there are a number of different activities. The site is partially set to a number of paddock areas delineated by post and rail fencing. Part of the wider site is also being used for the growing of trees. In addition, the northern

parcel of the site has been the subject of significant engineering operations to create a new area for mooring off the adjacent Canal. At the current time, this application is still pending.

The site is flanked on two sides (north and east) by open fields/paddocks. To the west of the site lies an existing access drive which is also a public right of way. Beyond the access drive is another small field. To the south of the site lies the public highway known as Bakers Lane. Beyond the highway to the south is open agricultural land with a number of residential properties located to the south west of the site.

The site is accessed from Bakers Lane onto an existing access track leading to the associated paddocks and forestry land to the north of the application site.

PLANNING HISTORY

There is no history relevant to the parcel of land that is the subject of this application. However, there is a varied history for various developments as detailed below;

Applications relevant to adjacent land

W/21/0802 – Construction of new canalside moorings at Helmsley Court Farm, Bakers Lane, Knowle with associated access and parking arrangements for the provision of 13 car parking spaces (part-retrospective application) – **PENDING CONSIDERATION.**

W/21/0211 – Replacement dwelling and associated landscaping. (Resubmission of Application W/20/1428) – **REFUSED 19.09.2021**

W/20/1428 – Replacement dwelling, garaging and associated landscaping – **REFUSED 24.11.2020 and APPEAL DISMISSED 13.12.2021.**

W/20/0231 – Notification under Part 3, Class Q (a) and (b) for Prior Approval for a proposed change of Use of Agricultural Building to a Dwellinghouse (Class C3) – **GRANTED 01.04.2020.**

W/19/1831 – Application for a Certificate of Lawfulness to confirm that a lawful material commencement has been made on the development subject of planning permission reference W/10/0135 (*Construction of new canal side moorings and spreading of spoil onto adjoining land*) in compliance with Condition 1 and all other pre-commencement conditions were discharged - **GRANTED 09.01.2020**

W/19/0496 - Erection of a timber stable building – **GRANTED 01.04.2020.**

W/19/0363 - Prior notification for the extension of an existing access track – **GRANTED 29.03.2019.**

W/18/2017/AG - To create new access for planting and harvest – **GRANTED 05.12.2018.**

W/18/1662/AG – Application for prior notification of agricultural or forestry development for the proposed formation of a private way and access onto Bakers Lane – **WITHDRAWN 25.09.2018.**

W/18/0926 - Application for prior notification of agricultural development for the proposed formation of a private way and access onto Bakers Lane – **REFUSED 20.06.2018.**

W/18/0737/AG - Prior notification of agricultural development for the proposed formation of a private way and access onto Bakers Lane – **REFUSED 02.05.2018**

W/17/0793 - Move by 5m the existing agricultural building and alterations to the roof slope (Building already consented for development under W/16/1652) – **GRANTED 25.07.2017.**

W/17/0373 – Proposed works to widen existing vehicular access – **REFUSED 21.07.2017.**

W/17/0092 – Erection of forestry buildings to facilitate seed planting and cultivation of trees to be planted across the site – **GRANTED 21.07.2017.**

W/17/0103 - Application for a Lawful Development Certificate for existing small barn, domestic style shed and two aviary buildings in accordance with the details submitted to the LPA on 17 January 2017 – **GRANTED 23.06.2017.**

W/16/1652 - Prior Approval Notification for proposed change of use of an agricultural building to a dwelling house – **GRANTED 31.10.2016.**

W/16/1072 - Erection of forestry buildings to facilitate seed planting and cultivation of trees to be planted across the site – **WITHDRAWN 04.10.2016.**

W/16/0841 - Erection of Agricultural/Forestry buildings – **REFUSED 01.06.2016**

W/14/1023 - Application for prior approval of proposed change of use of agricultural building to a dwellinghouse (Use Class C3), and for associated operational development – **WITHDRAWN 01.08.2014**

W/10/0135 - Construction of new canal side moorings and spreading of spoil onto adjoining land - **GRANTED 03.05.2011**

W/09/0815 - Construction of new canal side moorings and associated access – **WITHDRAWN 11.02.2010.**

W/07/1340/AG - Re-roofing and external cladding of an existing barn – **GRANTED 23.08.2007**

W/07/0009 - Erection of portal framed barn for use as loose horse boxes, tack room and hay storage – **REFUSED 20.03.2007.**

RELEVANT POLICIES

- National Planning Policy Framework

Warwick District Local Plan 2011-2029

- DS18 - Green Belt
- BE1 - Layout and Design
- BE3 - Amenity
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources
- TR1 - Access and Choice
- TR1 - Access and Choice
- TR3 - Parking

Guidance Documents

- Parking Standards (Supplementary Planning Document- June 2018)

SUMMARY OF REPRESENTATIONS

Lapworth Parish Council: Objection on the following grounds;

- Proposed development would have a negative effect on the openness of the Green Belt.
- The proposed site access and the existing access onto the highway not suitable for large equine vehicles.

WCC Highways: No objection.

Public Response: A total of 100 comments of objection received. (total for original and revised plans received). The following grounds for objection were raised;

- Site is already subject to significant development that should be resolved before any additional permissions are granted.
- Harm to Green Belt.
- Development is a blight on the landscape.
- Will result in increased traffic using the site and local highway network.
- Road not suitable for large vehicles.
- Increased noise disturbance.
- Potential increased light pollution.
- Harm to local wildlife.
- Site is already subject to flooding issues.
- Should be subject to ecological assessment.
- Not in keeping with other buildings within the area.
- Over-development of the site.

- Trees and Hedgerows will be impacted.
- Insufficient land for horses.
- Loss of privacy.

Other non-material considerations were also raised including;

- Schemes are for escalation to other uses.
- Applicants are not interested in rural pursuits.
- Applications are driven by profit.
- Wider site should be regulated before any further development granted.

ASSESSMENT

Wider site regulation

The site forms part of a wider area that is subject to various permissions and uses. The area of the paddock is formed from a larger field that has been separated into separate paddock areas and delineated by post and rail fencing. The separation of these land areas does not constitute development and the fencing used does not exceed the tolerances allowed under permitted development rights for means of enclosure.

The wider site is used for forestry purposes for the growing of trees. Areas of the site nearest to the canal are in the process of being planted with saplings. The forestry use utilises buildings to the rear of the site that are used to nurture the saplings to a size where they can then be planted outdoors to grow. This process and associated buildings have the benefit of planning permission under a 2017 planning permission.

To the rear of the site, engineering operations have taken place for the creation of canalside moorings and associated works that were implemented under a 2010 planning permission. These works are currently subject of a new application to regularise elements that were not constructed in accordance with the details under the 2010 planning permission. This application is currently pending.

As Members will note, the wider site has a range of permissions and uses in place together with ongoing applications for development. Local residents are also concerned about ongoing incremental change within the wider area and there are a number of current enforcement investigations taking place within that wider area. In Officers opinion, whilst it is relevant to bring these to Members attention, these elements do not have a specific and direct bearing on the acceptability of the proposal being considered under this application other than the need to ensure that the development is appropriately controlled.

Whether the proposal constitutes appropriate development in the Green Belt

As the site lies within the West Midlands Green Belt, the proposal must be assessed against Policy DS18 of the Local Plan. The policy states development must be in accordance with the National Planning Policy Framework (NPPF) Green Belt

provisions. Paragraph 149 states that new buildings in the Green Belt are inappropriate development except where certain criteria are met. Criteria b) allows for the provision of appropriate facilities for outdoor sport and recreation purposes where they do not conflict with the purposes of including land within the Green Belt.

The building is timber construction and of a standard design. This form of stable building is a common feature within rural areas and Officers are satisfied that the building is appropriately designed for use as stables.

Private equestrian uses are considered to fall within the category of outdoor sport and recreation. The scale of the building is modest to provide stabling for 1 horse only with associated storage and tack room. The land extends in total to approximately 1.2 acres. The British Horse Society recommend 1 acre per horse so Officers are satisfied that the scale of the building is commensurate with the land area.

Concern has been raised regarding the ability to obtain the paddock land for the purposes of horse grazing as this does not currently fall within the control of the applicant.

Officers have considered this concern and note that the land is located within the Green Belt. The construction of the stables and menage is deemed to not be inappropriate under paragraph 149 (b) which states;

".. the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;"

Without the paddock, the facilities would not be appropriate for use by horses so would not meet the exception as set out in paragraph 149(b).

Having sought Legal advice on this matter, Officers consider that because the land is in separate ownership, it is reasonable to condition any permission so that the stables can only be constructed/occupied when the paddock is available for use by the horse being stabled. This would be in the form of a Grampian style condition to prevent the construction of a building within the Green Belt that is inappropriate development. A condition to limit the use to a single horse is also proposed to ensure that the development complies with the Royal Horse Society guidelines.

Subject to the imposition of an appropriately worded conditions, Officers consider that the development would not conflict with the purposes of including the land within the Green Belt and is therefore appropriate development.

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

Section 12 of the National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development

and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions.

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

The stable block proposed is of timber construction under a simple. This is a common design for small scale stable structures within rural areas.

The building would be sited in close proximity to the access at the front of the site area so only a small area of hardstanding is required to facilitate the stable building.

The proposal is of modest scale with a 33m² footprint and ridge height of 3.6m. Officers are satisfied that the scale of development would not have a detrimental impact on the visual amenity of the area.

Concern has been raised about a proliferation of buildings across the site diminishing the open character of the area. Having reviewed the site, it is noted that the proposed stable is to the front of the site near to the access. In this location, it is well positioned behind the existing roadside hedge and the site is also proposed to be supplemented with additional planting to provide screening for the building. In this position, the building would also not be viewed in the context of other buildings within the site and as such, in Officers opinion, the proposal would not result in harm to the character of the countryside in this location as a result of a proliferation of buildings.

The proposal is considered to be in accordance with Policy BE1 of the Local Plan and national guidance contained within the NPPF.

Impact on adjacent properties

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

There are no neighbouring properties immediately adjacent to the site of the proposed stable building. The nearest property is a significant distance to the south west of the site. Officers are satisfied that the provision of the modest stable block would not result in any significant harmful impact on the amenity of the neighbouring property.

Due to the location of the stable block, it is considered appropriate to restrict the burning of waste on site to prevent any undue harm to the amenity of neighbouring properties.

Subject to the imposition of the conditions to restrict on-site activities, Officers are satisfied that the scheme would accord with Policy BE3 of the Local Plan.

Highway Safety

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

The site benefits from an existing access to the public highway that serves the site and this access has acceptable visibility in both directions.

There is sufficient space within the site to allow vehicles to enter, park and manoeuvre allowing for access and egress in a forward gear.

Officers consider it appropriate to restrict the use of the stable building to private use only to ensure that traffic is kept to a minimum to prevent harm to highway safety.

Subject to the imposition of the condition on the use of the stables, Officers are satisfied that the proposal would not result in harm to highway safety. The scheme is therefore considered acceptable having regard to Policies TR1 and TR3 of the Local Plan.

Impact on Ecology/Protected Species

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

The proposal has been considered by the County Ecologist who has inspected the site and raised no objection to the scheme in terms of potential impact on protected species subject to the imposition of a condition to secure biodiversity gain and an explanatory note regarding foundations and the potential impact on wildlife.

Officers are therefore satisfied that the scheme accords with Policy NE3 of the Local Plan.

Other Matters

A number of objections have cited that the development could be a pre-cursor to an alternative form of development.

Officers have noted this concern but this is not a material planning consideration and the proposal has been assessed on its own merits. Conditions are proposed to control the use of the building and any future application would have to be assessed separately.

Conclusion

The proposal is considered to be an appropriate form of development within the Green Belt. The scale of the building is considered to be appropriate for the land holding. The proposal raises no objection in design or amenity terms. The proposal is considered acceptable in relation to highway safety and impact on protected species.

For the above reasons, the proposal is recommended for approval 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 titled "STABLE BUILDING FLOOR PLAN AND ELEVATIONS" and untitled drawing of Post and Rail Fence and Cross Section of Menege and specification contained therein, submitted on 29 January 2021 and approved drawing titled "SITE LAYOUT PLAN" and specification contained therein, submitted on 19 July 2021

REASON : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DS18, BE1 and BE3 of the Warwick District Local Plan 2011-2029.

- 3 No development shall take place on the site until it can be demonstrated to the satisfaction of the Local Planning Authority that the applicant has control over the area of land identified in red on the submitted site location plan so that it is available for use by horses being stabled at the site.

Reason: The development is only considered acceptable in Green Belt terms for buildings associated with outdoor sport and recreation uses. Without the appropriate level of land available for the grazing of horses, the development would not be considered to represent a site falling within the definition of outdoor sport and recreation and would therefore be inappropriate development within the Green Belt.

- 4 The development hereby permitted shall not be occupied until a scheme for biodiversity enhancements has been submitted and approved in writing by the Local Planning Authority. The scheme should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The scheme should also include details of habitat enhancement/creation measures and management, such as native species planting, species-rich wildflower meadow creation and/or hedgerow creation/enhancement. Such approved measures shall thereafter be implemented in full within the first available planting season following the first occupation of the building.

REASON: To ensure a net biodiversity gain in accordance with NPPF.

- 5 The materials used in the construction of the development hereby permitted shall be in full accordance with the details submitted within the application documents. The materials used in the construction of the development hereby permitted shall be in full accordance with the details submitted within the application documents. The exterior walls of the building shall be constructed of timber only and shall not incorporate any internal block or brickwork.

REASON: To ensure that the visual amenities of the area are protected and to provide an appropriate form of development in the Green Belt and to satisfy the requirements of Policies DS18 and BE1 of the Warwick District Local Plan 2011-2029.

- 6 The use of the building hereby permitted shall be for personal and private use only for the stabling of a single horse and shall at no time be used for commercial activity.

REASON: In the interest of amenity and highway safety in accordance with Policies DS18, BE3, TR1 and TR3 of the Warwick District Local Plan 2011-2029.

- 7 There shall be no burning of waste within the site boundaries.

REASON: In the interest of the amenity of the local area having regard to Policy BE3 of the Warwick District Local Plan 2011-2029.

Planning Committee: 01 February 2022

Item Number: 7

Application No: [W 21 / 1084](#)

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

Registration Date: 11/06/21

Expiry Date: 06/08/21

01926 456527 dan.charles@warwickdc.gov.uk

Southfields, 57 Lillington Road, Leamington Spa, CV32 6NS

Proposed 8no. 1 bedroom apartments to be formed within the existing roof space with external alterations including dormer windows and solar panels (plus the reconfiguration of the existing accommodation at Southfields providing 38no. apartments (22 x 2 bed & 16 x 1 bed) units - which involves internal alterations only and is not development within the meaning of Section 55 of the Act), resulting in a total of 46no. apartments; alterations to existing car park layout; provision of external covered bicycle shelter; external alterations to include cladding and render and Juliet balconies. FOR La Cala Homes Ltd

This application is being presented to Committee due to the number of objections 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 proposal is for the creation of 8 x one-bedroom apartments within the roof space at second floor level of the existing residential building. To facilitate the creation of the apartments, dormer windows are proposed within the existing roof slope to create adequate light and outlook for future occupiers. Internal alterations are also proposed to provide access to the new apartments (for which planning permission is not required). Externally, hard landscaping works are proposed to create additional parking to serve the new apartments.

THE SITE AND ITS LOCATION

Southfields is a substantial hexagonal shaped building with an internal courtyard area to the centre. It is two storey with a large pitched roof affording some accommodation at second floor level.

The property sits within substantial grounds formed of car parking areas to the front and one side and landscaped gardens to the rear and opposite side. Within the site are a number of mature trees.

The most recent use of the site has been as sheltered accommodation with all apartments being self-contained and falling within the C3 use class. There is no planning restriction on the occupation of the units.

The site lies adjacent to the Royal Leamington Spa Conservation Area that abuts the north and eastern boundaries but is not within the Conservation Area.

PLANNING HISTORY

W/11/0854: Alteration to car parking, disabled access ramp and entrance to suit the provision of a new scooter storage facility – Granted 31.08.2011

W/05/1541: Display of non-illuminated sign, 1.43m by 0.85m adjacent to central pedestrian access off Lillington Road – Granted 25.11.2005

W/05/0767: Change of use from warden accommodation to staff offices – Granted 01.07.2005

W/79/0291: Erection of two storey block of 54 flats and one wardens house - Granted 01.05.1979.

W/78/0223: Erection of two storey block of 56 self-contained flats for elderly people (category 2) – Granted 08.06.1978.

W/77/1136: Residential development on a cleared site to provide category 2 sheltered housing accommodation for the elderly - Granted 21.12.1977

W/77/0830: Demolition of existing buildings and erection of an hotel – Granted 15.12.1977.

W/77/0829: Demolition of existing buildings and erection of 3 storey flats - Granted 16.01.1978.

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- DS1 - Supporting Prosperity
- DS5 - Presumption in Favour of Sustainable Development
- PC0 - Prosperous Communities
- H0 - Housing
- H1 - Directing New Housing
- SC0 - Sustainable Communities
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice
- TR2 - Traffic generation
- TR3 - Parking
- HS7 - Crime Prevention
- CC1 - Planning for Climate Change Adaptation
- FW2 - Sustainable Urban Drainage
- FW3 - Water Conservation
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources
- Guidance Documents

- Residential Design Guide (Supplementary Planning Document- May 2018)
- Parking Standards (Supplementary Planning Document- June 2018)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Royal Leamington Spa Neighbourhood Plan 2019-2029
- RLS1 - Housing Development Within the Royal Leamington Spa Urban Area
- RLS2 - Housing Design
- RLS3 - Conservation Area
- RLS4 - Housing Character Outside the Conservation Areas
- RLS12 - Air Quality
- RLS13 - Traffic and Transport
- RLS14 - Cycling

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: No objection but make the following observations.

- Parking whilst improved, is below the Parking Standards.
- Has need for affordable housing been considered?

WDC Health and Community Protection: No objection, subject to Low Emission Strategy condition.

WDC Arboricultural Officer: Concern about loss of trees due to parking areas. Recommend tree protection and method statement conditions be imposed.

WCC Highways: No objection.

WCC Ecology: Recommend Preliminary Ecological Assessment carried out.

Public Response: A total of 11 comments of objection have been received citing the following concerns:

- Increased traffic.
- Increased demand for parking.
- Loss of privacy due to dormer windows facing neighbouring properties.
- Increased noise disturbance due to cars parking on boundary.
- Loss of trees will diminish character of the area.
- Harm to conservation area due to installation of dormer windows and solar panels.
- Over-development of the site.

ASSESSMENT

History/Background

Planning permission (ref: W/79/0291) was granted in 1979 for the erection of a block of 54 flats and 1 warden's house. There were no restrictions on the occupation of the units and for the purposes of planning, the units are classified as self-contained flats within the C3 Use Class.

The current proposal relates to the conversion of the second floor into 8 x one-bedroom flats facilitated by the installation of dormer windows within the existing roof plane. External works are also proposed within the grounds to provide additional parking spaces within the site.

The submitted drawings also indicate internal works to reconfigure the existing 54 1-bedroom units into 38no. 1- and 2-bedroom units. Members should note that the internal works to reconfigure the units does not constitute development for the purposes of planning as set out within Section 55 of the Town and Country Planning Act 1990. Section 55(2) of the Act states:

"The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land—

(a)the carrying out for the maintenance, improvement or other alteration of any building of works which—

(i) affect only the interior of the building, or

(ii) do not materially affect the external appearance of the building"

Therefore, these internal works cannot be assessed as part of this application and the assessment is solely based upon the provision of the 8 units at second floor level together with the external alterations and the formation of additional parking spaces.

Principle of Development

Policy RLS1 of the NDP states that proposals for new housing development within the Royal Leamington Spa Urban Area, will be supported for the following:

1. Re-use of previously developed land and buildings when not in conflict with other development plan policies.
2. Infill development that is of an appropriate scale and that does not lead to the loss of residential gardens (unless in accordance with Policy H1 of the Warwick District Local Plan), overdevelopment, or have a significant adverse impact on the amenity of adjacent existing occupiers and uses.
3. Proposals for custom and self-build housing provision that are acceptable when assessed against Warwick District Local Plan Policy H15.
4. Proposals for purpose-built student accommodation when positively assessed against all related development plan requirements and guidance.

The application site lies within the urban boundary of Royal Leamington Spa.

Policy H1 of the Local Plan sets out a hierarchy of locations where new housing is acceptable. Development located within the urban boundary of Royal Leamington Spa is identified as highly sustainable and is therefore appropriate for new residential development as defined by Policy H1.

Officers therefore consider that the development is acceptable in principle having regard to Policy H1 of the Local Plan and Policy RLS1 of the Neighbourhood Plan.

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

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

Policy RLS3 states that development proposals that are within or directly affect a conservation area must assess and address their impact on their heritage significance.

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

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

The site is flanked on two sides (the eastern and northern boundaries) by the Royal Leamington Spa Conservation Area. No part of the site falls within the boundary of the conservation area.

The proposed development is limited externally to the provision of dormer windows within the roof plane to create the accommodation at second floor. The proposed dormers are of a modern, flat roof design that suits the character of the existing building and also ensures that the overall scale of the dormers within the roof slope does not result in a top-heavy appearance. In addition, the installation of the dormer windows is considered to "break up" the current mass of the roof that is substantial in comparison to the scale of the building. With the inclusion of dormers, the roof slope would appear more appropriately scaled with rooms in the roof space. The design of the dormers provides appropriate outlook for future occupants.

Overall, the design of the proposed dormer windows actively assists in diminishing the visual mass of the roof structure whilst retaining the overall shape and form of the building.

Externally, additional parking is proposed to the rear of the building where not visible from the public domain. The parking area has been reduced following Officer feedback to minimise the incursion into the planted areas to ensure that only minimal trees are lost as a result of the works. Where any trees are lost, it is proposed to include a condition to secure replacement trees to mitigate for the loss.

The revised car parking area has been designed to retain as much boundary planting as possible to maintain the soft edge between the development and its neighbours.

Overall, the development is considered to have a neutral impact on the character of the local area or adjacent conservation area.

Officers are satisfied that the scheme is acceptable having regards to Policies BE1 and HE1 of the Local Plan and Policy RLS3 of the Neighbourhood Plan.

Impact on adjacent properties

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

The proposal is for the provision of dormer windows to the existing roof slopes only and there is no physical extension to the footprint of the building that would bring it closer to neighbouring properties and Officers are therefore satisfied that the development would not result in any harmful overshadowing or overbearing impact as a result of the development.

The key area insofar as neighbouring amenity is concerned is the potential for overlooking from the new windows at second floor level. The proposed dormer windows are on the front and rear elevations and on the inner and outer roof slopes.

With regards to the internal roof slopes, the separation distances remain predominantly the same as the existing ground and first floor window separation distances, albeit slightly greater due to the windows being set back within the roof slope. Officers are satisfied that this general arrangement follows the character of the existing building and is considered acceptable.

With regard to the external roof slopes, the front elevation would result in the dormer windows fronting onto the public highway of Lillington Road and this results in a significant separation distance from the properties opposite the site.

To the rear, the site bounds onto residential properties on Almond Avenue. The location of the windows would also result in new windows having an oblique relationship with properties at Cloisters Crofts to the south and 1 and 2 The Coachhouse, 59a Lillington Road to the north.

With regards to the properties at The Coach House, Officers are satisfied that the oblique angle of the proposed windows compared to these properties is such that

there would not be any resultant direct overlooking as a result of the development due to the angle of separation.

With regards to the properties fronting onto Cloisters Crofts, the application property is set approximately 30 metres from the boundary of the nearest property. At this point, it is located at the bottom of a large garden area. Due to this separation, Officers are satisfied that the scheme would not result in any demonstrable harm to the amenity of these properties.

Moving to the properties at Almond Avenue, these properties share a closer relationship with the application site. There are 4 key properties that share a direct relationship.

Moving from North to South, the closest facing window to No.57 Almond Avenue would have a separation distance of approximately 36 metres. At the nearest point, the building is approximately 17.5 metres away from the boundary of No. 57 Almond Avenue. Taking into account these separation distances, Officers are satisfied that the proposed relationship is acceptable.

At 59 Almond Avenue, the window-to-window distance is approximately 29 metres with a distance to boundary of approximately 12.5 metres.

The Residential Design Guide SPD states that where a proposal is for a 3-storey property that has accommodation at second floor level, which faces onto a two storey property, the separation distance should be 32 metres. Officers have considered this area of the proposal and note that the physical structure is already in situ and the overall scale of the building already exists. The provision of the dormer window, which is set back into the roof slope of the proposed building would introduce a habitable room window to the roof plane. Having considered this element, Officers are of the opinion that the relationship would be acceptable when taking into account the site conditions, intervening boundary and bulk of the existing building.

Overall, Officers consider, on balance, the scheme would have an acceptable relationship with neighbouring properties and as a result would be acceptable having regard to Policy BE3 of the Local Plan.

Amenity of future occupiers

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

The proposed rooms within the roof space have been designed to ensure that all habitable rooms have adequately sized windows to provide acceptable levels of light and outlook for future occupants.

In terms of external amenity, all future occupants would have access to the existing grounds offering open green space.

Officers are satisfied that the scheme is acceptable having regards to Policy BE3 of the Local Plan.

Parking and Highway Safety

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

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

The application site benefits from an existing well-made access affording acceptable visibility in both directions and the access is of sufficient width for two vehicles to pass without having to stop within the limits of the public highway.

In terms of parking, the site currently benefits from a total of 12 car parking spaces. The elements which are considered development within this proposal is limited to the 8 x one-bedroom apartments being created at second floor level.

Having considered the site and sought legal advice, it is confirmed that the scheme only needs to provide a total of 8 additional spaces to meet the requirements of the new one-bedroom apartments. Whilst the remaining units are proposed to be reduced from 54 to 38 units, as these works are not development as defined under the Planning Act, no spaces are required to be provided.

Notwithstanding the above, the proposed external areas are to be reconfigured to the rear of the building to provide a total of 35 parking spaces. Taking into consideration the existing 12 spaces together with the need for 8 spaces as a result of this development, the scheme results in a significant betterment of 15 off-street parking spaces to serve the site.

The proposal also provides for secure cycle parking within the site to provide appropriate facilities for sustainable transport options.

A condition has been included to secure the provision of electric vehicle charging points to comply with the requirements of the Air Quality SPD.

The scheme is therefore considered acceptable having regard to Policies TR1 and TR3 of the Local Plan and Policy RLS13 of the Neighbourhood Plan.

Impact on Ecology/ Protected Species

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

The County Ecologist has recommended that a Preliminary Ecological Appraisal is carried out prior to determination. The site lies within an urban area and the roof appears to be in good condition. On this basis, Officers consider that the works

can be secured by condition to require checks be made before any invasive works are proposed. This can be supplemented by explanatory notes as necessary.

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

Trees/ Hedgerows

The proposal does involve the removal of some smaller ornamental trees within the site to create the additional parking areas. An amended plan was received reducing the extent of the proposed parking area to allow for the retention of more trees. As a result, the loss is minimal and replacement trees can be secured by condition to ensure no net loss across the site.

A condition is proposed to secure appropriate protective fencing to all retained trees together with a method statement for any proposed ground works within the vicinity of retained trees to ensure that they are not harmed by the development works.

Waste Storage

The site contains adequate facilities for storage of waste. As there is a reduction in overall units, the existing waste management facilities are considered acceptable.

Affordable Housing

As the scheme is for the provision of 8 residential units only, there is no trigger to require the provision of 40% affordable units.

Water Conservation

A condition has been added to ensure compliance with Local Plan Policy FW3.

Conclusion

The development is considered acceptable in principle having regard to Policy H1 of the Local Plan as the site lies within a sustainable area within the Urban Boundary of Royal Leamington Spa.

The proposal is considered to have an acceptable impact on the character and amenity of the local area and adjacent Conservation Area.

Residential amenity of both existing residents and future occupants of the premises is considered to be acceptable.

The scheme is not considered harmful to highway safety and a range of conditions can mitigate site specific matters.

For the above reasons and subject to conditions, the application is recommended for approval.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 21-837-29-P1, 21-837-30-P1 and 21-837-31-P1, 21-837-32-P1, and specification contained therein, submitted on 1 June 2021 and approved drawing 21-837-33-P4, and specification contained therein, submitted on 13 October 2021. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 No development 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.
- 4 No development or other operations (including demolition, site clearance or other preparatory works) shall commence unless the approved tree protection measures have been put into place in full accordance with BS:5837 (2012) 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 tree(s); no equipment, machinery or structure shall be attached to or supported by a 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 in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.
- 5 No external works affecting any areas of soft landscaping shall commence unless and until an Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Method Statement shall demonstrate how works will proceed without harming all trees to be retained on the site to include appropriate methodology for works located within the vicinity of any trees. Thereafter, all works shall be carried out strictly in accordance with the approved details. **Reason:** In order to protect and preserve

existing trees within the site in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.

- 6 No works to the external areas of the building shall commence unless and until a soft landscaping scheme has been submitted to and approved in writing by the local planning authority. The soft landscaping plan shall indicate details of all proposed planting works together with new tree planting to mitigate for the loss of trees shown to be removed within the site boundary. Thereafter, all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.
- 7 No dwelling hereby permitted shall be occupied unless and until the car parking provision for that dwelling has been constructed or laid out and made available for use by the occupants and / or visitors to the dwelling and thereafter those spaces shall be retained for parking purposes for the development at all times. **Reason:** To ensure the satisfactory provision of off-street vehicle parking facilities 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.
- 8 No works to the roof shall commence until two weeks' notice in writing prior to the commencement of the works has been given to a suitably qualified bat worker appointed by the applicant to supervise all destructive works to the roof. All roofing material is to be removed carefully by hand. Should bats be found during this operation, then work must cease immediately while Natural England are consulted for advice and no further works shall be undertaken at the site unless and until full details of measures for bat migration and conservation have been submitted to and approved in writing by the local planning authority. The development shall then proceed in full accordance with the approved details and any required mitigation works shall be completed in full accordance with the approved details. Notwithstanding any requirement for remedial work or otherwise, the qualified bat worker's report shall be submitted to the local planning authority within 1 month following completion of the supervised works to summarise the findings. **Reason:** To 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.

- 9 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.
- 10 Prior to the occupation of the dwelling(s) hereby permitted, one 16amp (minimum) electric vehicle recharging point (per dwelling) shall be installed in accordance with details first submitted to and approved in writing by the Local Planning Authority (LPA). Once the electric vehicle recharging point(s) has been installed, the following verification details shall be submitted to and approved in writing by the LPA: (1). Plan(s)/ photograph(s) showing the location of the electric vehicle recharging point(s); (2). A technical data sheet for the electric vehicle recharging point infrastructure; and (3). Confirmation of the charging speed in kWh. Thereafter the electric vehicle recharging point(s) shall be retained in accordance with the approved details and shall not be removed or altered in any way (unless being upgraded). **Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document.
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Planning Committee: 01 February 2022

Item Number: 8

Application No: [W 21 / 1443](#)

Town/Parish Council: Baginton

Case Officer: Lucy Hammond

01926 456534 lucy.hammond@warwickdc.gov.uk

Registration Date: 28/07/21

Expiry Date: 22/09/21

Land to The South and West of Coventry Airport, Coventry

Reserved matters application pursuant to Condition 1 of planning permission ref: W/18/0522 (Outline application including details of access for the comprehensive redevelopment of land South of Coventry Airport) for details of access, appearance, landscaping, layout and scale of the primary electrical substation for the site FOR The Coventry and Warwickshire Development Partnership

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

This is a reserved matters application, pursuant to Condition 1 of the outline permission (ref: W/18/0552) for access, appearance, layout, landscaping and scale of the proposed primary electrical substation for the wider development. The outline granted permission for the comprehensive redevelopment of land South of Coventry Airport, comprising new buildings for general industrial uses (Use Class B2) and storage and distribution (Use Class B8), amongst other associated works including ground modelling works, landscaped bunds, new roads, footpaths and cycle routes, parking, servicing, infrastructure and landscaping together with the creation of open space in a Community Park.

The current application relates to the reserved matters for the substation only. The proposed substation is shown to be located on an area of land positioned at the junction of Stoneleigh Road and Bubbenhall Road, with access via the latter. The substation measures 3.1 metres x 2.2 metres, so a total of 6.8 sq.m. The height of the substation is 2.2 metres and the submitted elevation drawing indicates that the structure would be glass and resin finished with a topcoat of coloured gel. While no colour is specified, this is to be conditioned.

THE SITE AND ITS LOCATION

The site of the proposed substation is a triangular parcel of land at the junction of Stoneleigh Road and Bubbenhall Road. The area is open at present and is outside the village boundaries of both Baginton and Bubbenhall, but it is acknowledged that it is close to a small number of residential buildings to the north west and south west of the site as well as the site of a recently approved development for

56 dwellings to the north west of the site, though the nearest southern edge of this development is approximately 190 metres from the site of the proposed substation. The site is in the West Midlands Green Belt.

PLANNING HISTORY

There is extensive planning history associated with the wider site (in relation to the outline application for Gateway South) however, the most relevant record directly associated with this particular development proposal is the approval of the outline application for the re-development of Gateway South which was approved under ref. W/18/0522 on 07 October 2019.

RELEVANT POLICIES

- National Planning Policy Framework
- DS1 - Supporting Prosperity
- DS3 - Supporting Sustainable Communities
- DS4 - Spatial Strategy
- DS5 - Presumption in Favour of Sustainable Development
- DS8 - Employment Land
- DS9 - Employment Sites to be Allocated
- DS16 - Sub-Regional Employment Site
- DS18 - Green Belt
- PC0 - Prosperous Communities
- EC1 - Directing New Employment Development
- SC0 - Sustainable Communities
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice
- TR2 - Traffic generation
- TR3 - Parking
- TR5 - Safe Operation of Aerodromes
- HS1 - Healthy, Safe and Inclusive Communities
- HS2 - Protecting Open Space, Sport and Recreation Facilities
- HS4 - Improvements to Open Space, Sport and Recreation Facilities
- HS5 - Directing Open Space, Sport and Recreation Facilities
- HS6 - Creating Healthy Communities
- HS7 - Crime Prevention
- CC1 - Planning for Climate Change Adaptation
- CC3 - Buildings Standards Requirements
- FW1 - Development in Areas at Risk of Flooding
- FW2 - Sustainable Urban Drainage
- FW3 - Water Conservation
- FW4 - Water Supply
- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- HE4 - Archaeology
- NE1 - Green Infrastructure
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources

- DM1 - Infrastructure Contributions
- Open Space (Supplementary Planning Document - April 2019)
- Parking Standards (Supplementary Planning Document- June 2018)
- Warwickshire Landscape Guidelines SPG
- Baginton and Bubbenhall Neighbourhood Plan 2018-2029

SUMMARY OF REPRESENTATIONS

Baginton Parish Council: Objection for the following reasons:

- There are more appropriate areas in which the substation could be placed
- There will be noise, air pollution and an unwanted visual impact on Baginton village resulting from this development
- The Local Plan highlights protecting rural communities, and this would be too close to residential properties including the 54 new approved homes adjacent to the site
- Acknowledge the substation is needed, however this is the wrong site, and it should be placed on the main development area away from the village

Bubbenhall Parish Council (adjacent PC): Objection for the following reasons:

- The proposed location of the substation is too close to Baginton village and to the roads in and out of the village in the direction of Bubbenhall and Stoneleigh
- The substation should be relocated within the main Gateway South site, far removed from domestic housing and daily traffic

WCC Highways: No objection

Safer Communities, Health & Community Protection: No objection, subject to condition

WCC Landscape:

- The substation will have a negative visual impact in the proposed location, however, if there is no alternative location for it then the proposed landscaping will go some way towards screening it
- If screening cannot be achieved on three sides this suggests it may be too close to the road and an alternative location may be better
- In the proposed location, feathered trees are recommended to supplement the proposed landscaping already shown on the submitted drawings; these would further assist in screening the substation

Public Response: 2 objections received on the following grounds:

- The CAA should assess the safety of the nearby airfield and if unacceptable risks are found then remedial action will be necessary.
- The proposed location will be harmful to highway safety due to its position
- There are concerns about noise pollution from the substation and the impact on nearby residents
- A substation was not originally shown in this location on earlier parameters plans which show this area as landscaping
- The substation will be visibly and audibly intrusive to nearby residents
- It will be highly visible and harmful to the Green Belt

Other non-material planning considerations have been raised including compliance with CDM regulations and the substation's efficacy e.g., potential for volt drop between substation and end user.

ASSESSMENT

As this is an application for the approval of reserved matters, it is not possible to reconsider the principle of development. This was considered in the assessment of the outline planning application and was found to be acceptable.

Since the principle of development cannot be re-visited, consideration of the current application can only include issues related to the details of access, appearance, landscaping, layout and scale of the proposed electricity substation.

In view of the above, the main issues relevant to the consideration of this application are as follows:

- Whether the proposal constitutes appropriate development in the Green Belt.
- The impact on the character and appearance of the area (including landscaping).
- The impact on the living conditions of nearby dwellings (including noise).
- Highway safety.

Whether the proposal constitutes appropriate development in the Green Belt

As set out above, this is an application for approval of reserved matters and consequently the principle of development cannot be reconsidered. That being said, while the principle of a substation was established through the earlier outline, the site on which it is now proposed is within the Green Belt.

Consideration has therefore been given to paragraph 150 of the NPPF which, at point (c), states that local transport infrastructure which can demonstrate a requirement for a Green Belt location is a form of development considered appropriate in the Green Belt providing it preserves its openness and does not conflict with the purposes of including land within it.

The substation proposed is specifically related to the street lighting infrastructure on the 'link road' between Bubbenhall Road and Rowley Road. Distance and safe operating limits for low voltage infrastructure constrain the opportunities for the substation's location, hence its chosen location which is in closest proximity to the infrastructure it will be supplying. Another constraining factor is the need to provide appropriate visibility splays for the safe operation of the highway. Technical information has also been provided in support of the application, further demonstrating why this needs to be the location of the substation.

Having regard to the above, officers are satisfied that the substation falls into the type of development set out at para.150(c) of the NPPF and as such it constitutes appropriate development. Moreover, by its nature as a necessary component of essential infrastructure and given its small size overall, officers are also of the view that it would not result in any adverse impact on the openness of the Green

Belt, nor would it conflict with the purposes of including land within it. Further consideration to its wider visual impacts and proposed screening is set out below.

Impact on the character and appearance of the area

Following some initial concerns expressed by the County Landscape Officer about the position of the substation and its relationship to the road, a series of further landscaping proposals have been submitted. The latest, Rev.P4, has followed all of the recommendations of the Landscape Officer and show additional planting around as much of the substation as can be achieved without compromising visibility. Moreover, feathered trees have introduced in line with the Landscape Officer's recommendations to supplement the landscaping originally shown.

In view of the fact that the location of the substation is determined out of necessity and the recommendations of the Landscape Officer have been followed as far as possible, Officers are satisfied that the proposal as amended with additional landscaping, result in a form of development which is considered acceptable in visual terms. It is not considered that the proposal would result in such visual harm to the character of the surrounding area as to justify a refusal of permission.

Proposed materials are annotated on the submitted drawings and include glass and resin finished with a topcoat of coloured gel; final colour to be determined. It is proposed that the finished colour be conditioned to ensure the most appropriate appearance for this structure in this location.

Overall, officers are satisfied that the proposal would not result in material harm to the character of the area and therefore the development accords with Policy BE1 of the Local Plan.

Impact on the living conditions of nearby dwellings

In considering the impact on nearby dwellings, it is important to bear in mind that the wider site has outline planning permission for a comprehensive development that includes a range and mix of commercial uses. It follows that a development of this scale will require the necessary infrastructure to support it, including features such as substations.

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

The closest neighbouring properties to the site of the substation are approximately 100m to the north west and 180m to the south west. The physical distance is such that the substation would not result in any discernible harm to residential amenity by reason of loss of light, outlook or privacy.

In terms of noise that may be generated by the substation, the Environmental Health Officer has considered the application, read the submitted documents and confirmed that there is no objection to the development on noise grounds, subject to the imposition of a condition requiring the installation of plant with the same or lower sound power characteristics than those specified in the Noise Report and

other supporting documents submitted. This would limit the potential for noise impact on local residential dwellings.

Subject to the recommended condition, Officers consider the development is acceptable in terms of noise and general disturbance and there would be no material harm arising in this regard.

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

Highway safety

Access is proposed off Bubbenhall Road, which is subject to a 50mph speed limit, but has good visibility in both directions. The nature of the proposal is such that there is a limited need for parking within the site which can be suitably accommodated by the proposal in any case.

No objection has been raised by the County Highways Authority and the proposal is therefore considered in accordance with Policy TR1.

Other matters

While the comments of both Baginton and Bubbenhall Parish Councils are noted, it must be reiterated that the location of the substation is determined by its need and the infrastructure it will be supplying. Officers acknowledge the comments of both Parish Councils which refer to the desirability of moving the substation further away from any housing and closer to/ within the main Gateway South site, however this is not logistically possible due to the constraints as summarised above.

SUMMARY/CONCLUSION

The development forms a detailed part of the wider site development approved under an earlier outline permission. The principle is therefore acceptable subject to an assessment being made of the other relevant planning considerations. The proposal constitutes appropriate development in the Green Belt and would not impact on openness. There are no environmental health concerns about the proposal in terms of noise and general disturbance and therefore together with the distance to the nearest neighbouring properties officers are satisfied that the substation would not result in material harm to residential amenity. Having regard to the constraints which limit the location of the substation along with the revised landscaping proposals that illustrate the extent to which it will be screened, the development is also considered acceptable in terms of its visual impact. The recommendation is therefore to approve planning permission, subject to conditions.

CONDITIONS

- 1 The development hereby permitted shall be carried out strictly in accordance with the details shown on the following approved drawings, except as required by condition 2:-

GSC-PPL-HAD-OF-DR-CE-SK83 C, GSC-PPL-HAD--OF-DR-CE-105 K, GSC-PPL-HAD-OF-DR-CE-135 J, GSC-PPL-HAD-OF-DR-CE-SK124, MN210498-ELEC-003, MN210498-ELEC-009, TR1, B 707.1 Issue.2 and 31460-FE-028 A and specification contained therein, submitted on 28 July 2021 and revised drawing GSC-BCA-ELS-XX-DR-LA-1839-18-27-S5 Rev.P4 and specification contained therein, submitted on 20 December 2021.

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

- 2 Pursuant to Condition 1 of outline planning permission ref: W/18/0522, a schedule of materials to be used on the development hereby permitted, including the finish and colour, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
- 3 The development hereby permitted shall be carried out in accordance with the details in the document entitled 'Substation Assessment' 103600-VAN-EN-PN-001 Rev.R00 (14 December 2021). All plant shall be installed with the same or lower sound power characteristics than those specified in the aforementioned report. **REASON:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

Planning Committee: 1 February 2022

Item Number: 9

Application No: [W 21 / 1609](#)

Town/Parish Council: Barford

Case Officer: Thomas Fojut

01926 456539 thomas.fojut@warwickdc.gov.uk

Registration Date: 24/08/21

Expiry Date: 19/10/21

32 Wellesbourne Road, Barford, Warwick, CV35 8EL

Erection of detached outbuilding providing garage and gym at ground floor and office above FOR Mr & Mrs Taylor-Watts

This application is being presented to Planning Committee as Barford, Sherbourne and Wasperton Joint Parish Council object to the proposal.

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

Erection of detached outbuilding providing garage and gym at ground floor and office above.

THE SITE AND ITS LOCATION

The application property is a two-storey detached dwellinghouse located on the west side of Wellesbourne Road, Barford. The property is located within Barford Conservation Area and is also located opposite the Grade II listed Barford House.

Dwellings within the street comprise of detached, semi-detached and terraced properties from various periods. The section of Wellesbourne Road where the application property is located (between Canon Price Road to the north and Westham Lane to the south) is set back from the main part of Wellesbourne Road and is accessed via a service road. Additionally, dwellings in this part of the street are detached properties which all date from a similar period.

The properties are set back from the service road by either large landscaped front gardens, hard surfacing for off-street parking or a combination of the two. There is also an area of open green space containing various trees, hedges and shrubs between Wellesbourne Road and the service road.

PLANNING HISTORY

W/07/0904 - Erection of detached garage - Refused July 2007. Allowed on appeal January 2008.

W/06/0091 - Single storey link between existing house and garage; New bay window to existing garage - Granted April 2006.

W/03/0681 - Erection of detached garage - Granted June 2003.

W/03/0104 - Erection of rear single storey, garage and kitchen and erection of detached garage - Granted March 2003.

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- BE1 - Layout and Design
- BE3 - Amenity
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Barford Neighbourhood Plan 2014-2029
- B6 - Heritage Assets
- B7 - General Design Principles
- B8 - Biodiversity and Design Principles

SUMMARY OF REPRESENTATIONS

Barford, Sherbourne and Wasperton Joint Parish Council - Objects to the proposals on the following grounds:

- Proposals are forward of the building line, building is visible from neighbouring properties, therefore an element of overlooking and loss of privacy
- Represents overdevelopment and loss of garden land and openness.
- Proposals are out of keeping with the street and does not reflect any styles within the vernacular of Barford Design Statement.
- Proposals are out of character and design within this section of Wellesbourne Road.
- Previous extensions at the property have already moved the building line forward, the proposals would move this closer to the pavement line.
- Development would adversely affect the character and appearance of the Conservation Area and in particular the Grade II listed Barford House located opposite.

WCC Archaeology - No objection. Recommend that a pre-commencement condition of a Written Scheme of Investigation for a programme of archaeological evaluative work is submitted to and approved in writing by the Local Planning Authority.

WCC Ecology - Recommend notes relating to bats, nesting birds and hedgehogs are attached to any approval granted.

WCC Landscape - Objects to proposals as proposed development is a large structure that would sit forward of the existing building line therefore would not be in keeping with the existing street scene.

Tree Officer - No objection. Recommends a condition for tree protection measures is adopted and implemented.

Conservation and Design - No objection to revised proposals.

Public Response - 2 neighbour objections received on the following grounds:

- Proposed structure will encroach upon the root zone of the large Western Red Cedar tree that lies to the south. Does not agree with the recommendations shown in the Arboricultural survey.
- Concerned of the effect the building will have on the setting of the Grade II listed Barford House and the street scene.
- Development will cause a loss of openness and will bring the built environment closer to the listed building. Felling of matured trees will also impact the village landscape.
- Amendments to proposals increase the ridge heights and add roof projections making the structure more prominent within the street landscape and impact of the setting of a listed building. Considers the building is twice the size of the previous structure refused in 2007.
- If approved a condition requiring more tree planting and replacement of any future lost trees should be implemented.

ASSESSMENT

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

- Design and impact on the character and appearance of the street scene and wider Conservation Area
- Impact on the amenity of neighbouring uses
- Ecology
- Trees
- Archaeology
- Landscape

Design and impact on the character and appearance of the street scene and wider Conservation 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 195 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 Warwick District Local Plan 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 the harm

or loss, or if criteria listed within the policy have been satisfied. 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.

Policy BE1 of the Warwick District Local Plan 2011-2029 states that development will only be permitted which positively contributes to the character and quality of its environment through good layout and design.

Two neighbour objections were made to the original proposals raising concerns about the proposed design and impact on the character and appearance of the conservation area. The Conservation Officer had also objected to the proposal as originally submitted raising concerns that the proposed building is set forward of the building line and could establish a precedent in the street scene that would harm the character of the Conservation Area. Additionally, Barford, Sherbourne and Wasperton Joint Parish Council objected to the original proposals and raised concerns about the proposed design and impact on the character and appearance of the conservation area.

The comments received in respect of siting and building line are noted. However, the principle of development in this location was established when the appeal for an outbuilding in this location was allowed in 2008. The Inspector considered that a building in this location would not result in harm to the street scene or the character and appearance of the conservation area. Moreover, a material commencement was made on that permission and it could be implemented any time.

Since the submission of his initial comments, the Conservation Officer has been made aware of the planning history relating to the site and has subsequently withdrawn his objection to a building in this location.

Notwithstanding the acceptability of a building in this location in principle, it was considered that the scheme as originally submitted was of poor design. However, the scheme has been significantly amended and is considered to be vastly improved such that it now relates well in both scale and design to the existing house and outbuilding on the site. In addition, the site is well screened from the main road and the building will not be readily visible.

The proposal is considered to be in accordance with the NPPF and Local Plan Policies HE1 and BE1. It is also in accordance with policies B6, B7 and B8 of the Neighbourhood Plan as the proposals are not considered to harm the heritage asset or affect the setting on the nearby Grade II listed Barford House, the mass, scale and materials of the building are considered to be appropriate and does not impact on any significant wider landscape views.

Impact on the amenity of neighbouring uses

Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of all neighbouring residents, in terms of light, outlook and privacy. The Council's Residential Design Guide SPD provides a design framework for Policy BE3 and includes the 45-degree line and minimum separation distance guidance to protect against loss of light, outlook and privacy.

Two neighbour objections were made to the original proposals with one objection raising concerns in relation to neighbouring properties. Additionally, Barford, Sherbourne and Wasperton Joint Parish Council objected to the original proposals and had the following concern in relation to the impact on neighbouring properties:

These objections are noted. However, given the position of the proposed building relative to the neighbouring properties it is considered that there will be no material loss of residential amenity for neighbouring properties such as to warrant a refusal of planning permission in this case.

It is considered that the development will comply with Warwick District Local Plan Policy BE3.

Ecology

The Ecology Department at Warwickshire County Council have recommended that notes relating to bats, nesting birds and hedgehogs are attached to any approval granted.

Trees

The Tree Officer has no objection to the proposals subject to a condition for tree protection measures, which has been included in the recommendation.

Archaeology

The Archaeology Department at Warwickshire County Council have no objection to the proposals but have recommended that a pre-commencement condition for a Written Scheme of Investigation for a programme of archaeological evaluative work is submitted to and approved in writing by the Local Planning Authority. Officers note that there is no such requirement for the extant permission for an outbuilding on the site and given that there has been no material change in on site circumstances or planning policy in the interim, it would be unreasonable to require this for the current proposal.

Landscape

The Landscape Department at Warwickshire County Council have objected to proposals as the proposed development is a large structure that would sit forward of the existing building line therefore would not be in keeping with the existing street scene.

This objection is noted, but as explained above the principle of a building in this location has already been established and it would be unreasonable to reach a different conclusion in the current case.

Conclusion

The development proposals are considered to be in keeping with the character and appearance of the property and the surrounding conservation area. In addition, the principle of development has previously been established and the proposals are not considered to cause harm to heritage assets. Moreover, the proposals are

not considered to present a harmful impact upon the amenity of the neighbouring properties. The proposal is considered to be in accordance with the policies listed and it is therefore recommended for approval.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
 - 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 1603-0500-03 and specification contained therein, submitted on 21st December 2021. **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 Prior to commencement of the development hereby permitted, the tree protection measures recommended in the Arboricultural Impact Assessment and Method Statement reference jwmb/rpt1/32wellesbournerd/AIAMS dated 6 August 2021 prepared by Arbortrack Systems Ltd shall be adopted and implemented. The development thereafter shall be implemented in strict accordance with the approved details, and the approved protection scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **Reason:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.
 - 4 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the main house. **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.
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Application No: [W 21 / 1664](#)

Town/Parish Council: Barford

Case Officer: George Whitehouse

01926 456553 george.whitehouse@warwickdc.gov.uk

Registration Date: 02/09/21

Expiry Date: 28/10/21

Bluff Edge, Barford Road, Barford, Warwick, CV35 8BZ

Proposed erection of first floor extension above upper and lower ground floor levels. Two storey front extension to lower ground level and proposed erection of single storey front extension to upper ground level. Erection of detached carport, replacement of existing storage unit and erection of entrance gates. FOR
Mr Guy

This application is being presented to Committee as more than 5 public responses support the application and it is recommended for refusal.

RECOMMENDATION

It is recommended Planning Committee refuse to grant planning permission for this application for the reasons set out in this report

DETAILS OF THE DEVELOPMENT

This application proposes the erection of a first floor extension above the upper and lower ground floor levels, a two storey front extension to the existing lower ground level and a single storey front extension to the upper ground level.

The application also proposes the erection of a detached carport to the front of the dwelling, the replacement of an existing storage unit to the front of the site and the erection of entrance gates.

THE SITE AND ITS LOCATION

Bluff Edge is a large detached bespoke designed, split-level property that is within the Barford Conservation Area. The main access to the property is off Barford Hill, although the house itself is not visible from the highway. The property is outside of the village boundary of Barford but is not in the designation of the Green Belt meaning that according to policy H14 the site is situated within the 'open countryside'

A small part of the site falls within flood zone 2 however no development is proposed in the flood zone and the topography of the site is such that the proposed development is elevated well away from the flood zone.

PLANNING HISTORY

In the 1990s, a single storey extension, used as an annex was added to the northern side of the house

RELEVANT POLICIES

- National Planning Policy Framework

Warwick District Local Plan 2011-2029

- H14 - Extensions to Dwellings in the Open Countryside
- HE1 - Protection of Statutory Heritage Assets
- BE1 - Layout and Design
- BE3 - Amenity
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets

Guidance Documents

- Residential Design Guide (Supplementary Planning Document- May 2018)
- The 45 Degree Guideline (Supplementary Planning Guidance)

Barford Neighbourhood Plan 2014-2029

- B6 - Heritage Assets
- B7 - General Design Principles

SUMMARY OF REPRESENTATIONS

Barford Parish Council: No objection.

Conservation Officer: No objection.

WCC Ecology: No objection subject to a condition requiring the hand stripping of roof tiles and notes relating to protected species.

Public Response: 7 Letters of public support centred around modernising the dated property, enhancing the site as a whole and the proposals not resulting in harm to the amenity of neighbouring occupiers.

ASSESSMENT

Principle

Policy H14 in the Local Plan states that extensions to dwellings in the open countryside will be permitted unless they result in disproportionate additions to the original dwelling (excluding any detached buildings), which:-

- a) do not respect the character of the original dwelling by retaining its visual dominance;
- b) do not retain the openness of the rural area by significantly extending the visual impression of built development; or

c) substantially alter the scale, design and character of the original dwelling.

As a guideline for properties outside of the designated Green Belt but within the designation of the open countryside additions (taking into account any previous extensions) that represent an increase of more than 40% to the gross floor space of the original dwelling excluding any detached buildings, are likely to be considered disproportionate.

For the purposes of this policy, the open countryside is defined as areas other than the Urban Areas, the Growth Villages and the Limited Infill Villages(4.91).

The proposed extensions along with previous additions equate to a 97% increase above the floor area of the original dwelling. The proposals are substantial in scale and would represent a marked change in the overall visual dominance, scale, design and character of the dwelling, the proposed additional storey being the most noticeable change in visual dominance, character, design, scale and resulting from this application.

The additional storey would also reduce openness. Openness has both spatial and visual elements so whilst the footprint of development does not drastically change over and above the existing there is a significant visual reduction of openness by way of introducing a first floor above the existing low level dwelling which is currently relatively un-intrusive on the landscape.

On this basis it is considered that the proposal is unacceptable and contrary with the objectives of this Local Plan Policy.

The applicants raise that the Council in 2011 granted an application for planning permission at neighbouring Avon Tor which was greater than 40%. The reason this application was granted was because it represented a reduction in size when compared to a previous 2002 application on the same site. Both of these applications were assessed against older Local Plans.

Crucially the relevant policy used to assess the initial 2002 application in the 1995 local plan was different than that of H14 in Council's current Local Plan, therefore this example would hold no weight against this application. The current local plan policy includes a definition of what is classed as open countryside (4.91 stated above) where the previous policy in 1995 did not include this definition such that officers made the assessment of which sites fell within the designation of open countryside themselves without any specific definition from policy.

Therefore the principle of development is considered to be unacceptable as the proposals are contrary to Local Plan Policy H14.

Design and Impact on Conservation Area

Considerable importance and weight should be given to the duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, when making

decisions that affect listed buildings and conservation areas respectively. These duties affect the weight to be given to the factors involved.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, "In the exercise, with respect to any buildings or other land in a conservation area [of any planning functions]...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

Paragraph 199 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.

Policy HE1 of the Warwick District Local Plan 2011-2029 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.

The proposed extensions are not considered to result in harm to the character of the Conservation Area, the application property is unique and does not particularly contribute to that character in terms of historic interest. The application property does however contribute to the character and quality of the conservation area through its unique design and the proposals are not considered to cause harm to this. The proposals that are visible in the street are considered to be acceptable. The Conservation Officer has returned a stance of no objection.

The application is considered to comply with Local Plan Policy HE1.

Amenity

Given the substantial size of the plot and the open setting there are large gaps between the application site and its neighbours, it is not considered the proposals will result in unacceptable loss of amenity for the neighbouring dwellings

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

Highways and Parking

There are no changes to the access other than adding the new gates and boundary treatment which are set well away from the highway along the private drive, the Council's Parking standards states space for at least 3 cars need to be provided off street on site, given the large size of the site there is room on site for significantly more than 3 cars to be parked on site off street, well exceeding the required standard.

Ecology

Following the receipt of a bat survey WCC Ecology confirmed that a condition requiring the hand stripping of the roof tiles along with notes relating to protected species would be sufficient in order to ensure the development does not have an unacceptable impact on protected species.

Summary

The proposals result in a 97% increase over and above the original dwelling and therefore result in a disproportionate addition within the open countryside which is contrary to the aims and objectives of Local Plan Policy H14. It is therefore recommended that planning permission is refused

REFUSAL REASONS

- 1 Policy H14 in the Local Plan states that extensions to dwellings in the open countryside will be permitted unless they result in disproportionate additions to the original dwelling (excluding any detached buildings), which:-

- a) do not respect the character of the original dwelling by retaining its visual dominance;
- b) do not retain the openness of the rural area by significantly extending the visual impression of built development; or
- c) substantially alter the scale, design and character of the original dwelling.

As a guideline for properties outside of the designated Green Belt but within the designation of the open countryside, additions (taking into account any previous extensions) that represent an increase of more than 40% to the gross floor space of the original dwelling excluding any detached buildings, are likely to be considered disproportionate.

The proposed extensions, the subject of this application when also taking account of previous additions, equate to a 97% increase in the size of the building, with the addition of a first floor which is considered to, be contrary to the character of the original dwelling increasing its visual dominance, reducing openness by significantly extending the impression of built development and substantially altering the scale, design and character of the original dwelling. On this basis it is considered that the proposal is unacceptable and contrary with the objectives of this local plan policy.

In the opinion of the Local Planning Authority, the proposed development represents a disproportionate addition to the original building.

The proposed development is therefore contrary to the aforementioned policies.

Planning Committee: 01 February 2022

Item Number: 11

Application No: [W 21 / 2069](#)

Town/Parish Council: Lapworth

Case Officer: Thomas Fojut

01926 456539 thomas.fojut@warwickdc.gov.uk

Registration Date: 12/11/21

Expiry Date: 07/01/22

Chestnut House, The Old Nursery, Station Lane, Lapworth, Solihull, B94 6JJ

Conversion of existing garage into a games room and erection of detached garage with store FOR Mr & Mrs Cooper

This application is being presented to Planning Committee as Lapworth Parish Council has objected to the proposal.

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

Conversion of existing garage and erection of detached garage with store.

THE SITE AND ITS LOCATION

Chestnut House is a two-storey detached dwellinghouse located on the east side of Station Lane, Lapworth.

Dwellings within the street comprise predominantly of detached and semi-detached properties from various periods. The application property is accessible via a private driveway and forms part of a small, gated development comprising of 6 dwellings which under previous planning permissions formed part of an allocated housing site for 6 dwellings within a Growth Village. This group of properties are detached dwellings which are set back from Station Lane. They all include front gardens and hard surfacing for off-street parking. The development is also screened by some trees and vegetation with additional landscaping added following the approval of the previous application (W/20/0968).

PLANNING HISTORY

W/20/0968 - Resubmission of W/19/1470: Erection of a self-build dwelling to Plot 1 - Granted September 2020.

W/19/1470 - Erection of a self-build dwelling to Plot 1 - Withdrawn December 2019.

W/19/0533 - Reinstatement of existing driveway - Granted July 2019.

W/18/1679 - Reserved matters application to provide details of appearance, landscaping, layout and scale in relation to application W/16/2157 (outline application for the erection of three dwellings) - Granted October 2018.

W/18/1012 - Demolition of existing office buildings and erection of 3 detached dwellings with associated car parking - Refused July 2018.

W/16/2157 - Outline application for demolition of existing office buildings and erection of 3no. detached dwellings with associated access and car parking. Realignment of existing drive connecting to the existing access on Station Lane - Refused February 2017.

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- BE1 - Layout and Design
- BE3 - Amenity
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)

SUMMARY OF REPRESENTATIONS

Lapworth Parish Council - Object to the proposals on grounds of overdevelopment of the existing plot.

WCC Ecology - Recommend a Preliminary Ecological Appraisal (PEA) of the site is carried out prior to determination. Also recommend the biodiversity impact is assessed and location of trees in relation to RPAs is considered.

Public Response - 1 neutral neighbour comment received.

ASSESSMENT

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

- Design of the proposed extension
- Impact on the amenity of neighbouring properties
- Ecology

Design of the proposed extension

Warwick District Local Plan Policy BE1 states that development will be permitted where it positively contributes to the character and quality of its environment through good layout and design. The adopted Residential Design Guide SPD also sets out design principles to which development proposals will be expected to comply.

Lapworth Parish Council have objected to the proposals as they consider it to be overdevelopment of the existing plot.

This comment has been noted; however the proposals are considered to be acceptable in design terms as they are in keeping with the rest of the property, are an appropriate scale for the dwellinghouse and will be constructed using matching materials. The existing dwelling sits in a large plot set well back from the road and the proposed building will sit comfortably within in and not result in harm to the streetscene.

The development is therefore considered to accord with Policy BE1 of the Warwick District Local Plan.

Impact on the amenity of neighbouring occupiers

Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of nearby uses and residents, in terms of light, outlook and privacy. The Council's Residential Design Guide SPD provides a design framework for Policy BE3 and states that extensions should not breach a 45-degree line taken from the nearest habitable room of a neighbouring property. This serves to protect against a material loss of light and outlook.

One neighbour has provided neutral comments on the proposals raising questions about loss of light to their patio, potential overshadowing and loss of privacy, potential increased disturbance from the proposed games room and the aesthetics of extending the expanse of the brick wall which back onto their property.

The conversion of the existing garage into a games room does not require planning and therefore this element of the proposal is not subject to assessment under this application. Nevertheless, an incidental use to the dwelling will be unlikely to result in a level of noise disturbance to result in material harm to the amenity of the neighbouring property.

While the proposed building breaches the 45-degree line from windows serving habitable rooms of adjacent properties, the breach is at a point >8m away which is considered acceptable in accordance with the provisions of the Residential Design Guide SPD. Accordingly, the proposal is considered acceptable in terms of impact on light and outlook. No windows are proposed on the rear elevation and therefore there will be no loss of privacy. The proposed building is due south of The Coach House and there will be some loss of light to parts of its garden, however, it is considered that the level of harm will be limited and not sufficient to justify a reason for refusal in this case.

It is considered that the development will comply with Warwick District Local Plan Policy BE3.

Ecology

The Ecology Department at Warwickshire County Council have recommended that a Preliminary Ecological Appraisal (PEA) and biodiversity assessment is carried out. These recommendations have been noted, however, given the householder

nature of the proposal it is considered that notes relating to protected species would be appropriate in this case. There are no protected trees within the vicinity of the application proposal.

Conclusion

The development proposal is considered to be in keeping with the character and appearance of the property and the area. In addition, the proposals are not considered to present a harmful impact upon the amenity of the neighbouring properties in relation to light, outlook or privacy and are in accordance with the aforementioned policies and the application is therefore recommended for approval.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
 - 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 3940_001, 3940_004 and specification contained therein, submitted on 12th November 2021. **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 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the main house. **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.
-