Planning Committee: 20 May 2025 **Item Number:** 10

Application No: W 25 / 0331

Registration Date: 10/03/25
Town/Parish Council: Leamington Spa **Expiry Date:** 05/05/25
Case Officer: Millie Flynn
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Jewson, Rugby Road, Leamington Spa, CV32 6AR
Reconfiguration of the site, to include erection of new covered storage area and new fencing and gate. FOR Stark Building Materials 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 application seeks planning permission for the reconfiguration of the site, to include the erection of new a covered storage area at a height of 7.90m and width of 30.0m, which is to be constructed of galvanised steel with plastisol coated roof sheets. The works also include the erection of a 3.0m high mesh fence and gate within the site boundaries.

THE SITE AND ITS LOCATION

The application relates to a builder's merchants situated on the northern side of Rugby Road. Other than these premises, the surrounding area is predominantly residential. The site is situated adjacent to the Leamington Spa Conservation Area - the Conservation Area boundary runs along Rugby Road in front of the site.

PLANNING HISTORY

No relevant planning history.

RELEVANT POLICIES

- National Planning Policy Framework

Warwick District Local Plan 2011-2029

- HE1 - Protection of Statutory Heritage Assets
- BE1 - Layout and Design

- BE3 - Amenity
- TR1 - Access and Choice
- TR3 - Parking
- NE5 - Protection of Natural Resources
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity

Guidance Documents

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

Royal Leamington Spa Neighbourhood Plan 2019-2029

- RLS3 - Conservation Area

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: No objection.

WDC Conservation: No objection.

WCC Highways: No objection.

WDC Environmental Health: No objection, subject to condition.

Public Responses: 6 objection comments received, on the following grounds;

- Impact on property value.
- Increase in noise and disturbance from the proposals.
- Proposals obstruct outlook.
- Proposals reduce light.
- Loss of privacy.
- Incongruous features within a residential setting.
- Creation of dust as a result of the proposals.

1 support comment received.

ASSESSMENT

Design and Heritage Impacts

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 212 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 215 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 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 the 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 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 importance features; respecting the surrounding buildings and using the right materials.

Neighbourhood Plan Policy RLS3 requires developments within the conservation area to assess and address their impact on heritage significance including the responding to the character of the area and the existing pattern of development.

Officers note that the site is located adjacent to, rather than within, the Leamington Spa Conservation Area.

Objections have been received stating that the proposals are incongruous features within a residential area, however Officers note that the works fall within the parameters of an existing builders merchant, which benefits from existing similar features.

It is noted that the proposed works would not be considered out of keeping with the established context of the site. The alterations and reconfiguration of the site are considered appropriate, with the proposed covered area to be a light weight, open sided structure with a height of 7.90m and of a typical design for a builders merchants. The new fence and gate is proposed to the front of the site, with a height of 3.0m, however, it is still contained within the site and given the land level changes there would be limited views of this addition.

The Conservation Officer initially raised concerns regarding the storage area to the south of the site, adjacent to Rugby Road. However, the applicant has confirmed that this area is proposed for tool hire only and the proposed fencing is owing to the high-value nature of the products. It has been confirmed that there is no

racking proposed in this area. The plans have since been amended to reflect this, as such the Conservation Officers raises no objection to the proposals.

It is therefore considered that the development would not cause harm to and would preserve the setting of the Conservation Area. The proposals would have an acceptable impact on the character and appearance of the area and is considered to accord with the guidance set out in Policies, HE1 and BE1 of the Warwick District Council Local Plan and the Royal Leamington Spa Neighbourhood Plan.

The impact on the amenity of neighbouring uses

Warwick District Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a requirement for development not to result in undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion. The Residential Design Guide SPD provides a framework for Policy BE3, which stipulates the minimum requirements for distance separation between properties.

Objections have been received with concerns regarding impact on neighbour uses in terms of noise and disturbance, obstruction of outlook, impact on light and loss of privacy.

Many of the objections raise concern with the erection of a fence along the rear gardens of Quarry Street. However, it should be noted that the existing fence is not being changed as part of this application. The plans submitted denote the changes regarding the fencing. The amendments to the fencing fall within the site boundaries, to the south, on the corner closest to Rock Mill Lane and Rugby Road. On this basis, Officers do not consider that such features harmfully impact neighbouring residential uses. Therefore, other than that, Officers can confirm that there are no changes to the existing boundary treatments at the site.

Officers note that whilst the proposals include the erection of a covered storage area, the site as whole is not being extended. The works are also what can reasonably be expected within the context of the site e.g. in terms of a business wishing to cover and protect materials. Concerns regarding impact on outlook, light and privacy for neighbouring residential uses has been raised. Officers note that the proposals are located 50.0m from the properties to the east of the site on Quarry Street and 80.m from the properties located on Bankfield Drive and Highcroft Crescent to the north of the application site. The required distance as set out in the Council's Residential Design Guide is 22.0m for such arrangement. Therefore, given the distance it can be reasonably be concluded that the proposals would have an acceptable impact on neighbouring uses in terms of outlook and light.

It is also noted that the proposal includes a reduction of covered storage within other areas of the site.

Concerns have been raised regarding the starting of works for the business prior to 07:00am, however after reviewing the planning history, there are no restrictions as to when the site can begin operations. It is also noted that the proposals are for the erection of a covered storage area and the safe keeping of materials and machinery, therefore it can be reasonably concluded that the proposals do not result in an intensification above and beyond the existing use. Therefore, on balance the overall development would be acceptable in terms of noise and disturbance.

Initially, the Council's Environmental Health Officer raised concerns regarding the 'HGV servicing zone' and the close proximity of such activity to neighbouring residential properties. However, confirmation from the applicant has been received, rather than a servicing area, it refers to an area where vehicles are loaded and unloaded on site, therefore no different to how the site currently operates and there is no mechanical servicing of vehicles. Based on the further information submitted, the EHO raises no concerns regarding this element of the proposals.

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

Highway Safety and Parking

Policy TR1 of the Warwick District Local Plan seeks to ensure that there is a safe and convenient access to serve new development and Policy TR3 and the Parking Standards SPD seeks to ensure that sufficient parking is provided. The proposal should also comply with Warwick District Council's Parking Standards SPD.

There are no planned changes to the existing access at the site.

The proposal seeks to reduce the number of parking spaces by 3, to allow for the erection of the fence and creation of a secured area for high-value machinery. Officers note that whilst there is an overall reduction, the works are to erect a cover over an existing storage area, which will not result in a more intensified use of the site. The Council's Parking Standards do not include a standard for builder's merchants. However, the standards for similar uses would require 27 spaces for industrial uses. The proposed development includes a total of 27 spaces, which is within this range that is required for similar uses and therefore this is considered to be an appropriate level of parking provision. Therefore, on balance the reduction of 3no. spaces is considered acceptable.

The application is considered to satisfy the requirements of Policies TR1 and TR3 of the Local Plan.

Land Contamination

Records indicate that due to the historic land uses, there is potential for contamination on site. Under such circumstances a watching brief should be maintained during the construction phase and workers asked to wear appropriate personal protective equipment (PPE) whilst undertaking works on site. Officers consider that a suitable condition should be attached to any granted approval.

Construction Impacts

The Environmental Health Officer suggests a condition is imposed to minimise disturbance to neighbours during the construction phase. Therefore, such condition will be imposed.

Biodiversity

Policy NE3 of the Local Plan states that new development will only be permitted where it protects, enhances and/or restores habitat biodiversity. As of February 2024, there is a mandatory requirement to provide a 10% uplift in Biodiversity Net Gain. However, Officers note that the proposals fall within one the exceptions, as the development does not impact a priority habitat of more than 25sqm. Consequently, as this exemption is present, there is no requirement for this additional information in the assessment of this application.

Therefore there is no net loss, in compliance with Local Plan Policy NE3.

Planning for Climate Change Adaptation

When considering the proposals, Officers do not consider Council's Net Zero Carbon Development Plan Document (DPD) to be applicable. Given the nature of the proposals and the fact they would not create any habitable space, there is no requirement for an energy proforma showing compliance with Policy NZC4.

Other Matters

Objections raise concerns regarding the impact on the property value of neighbouring dwelling. It should be noted that this is not a material planning consideration.

Concerns have also been raised regarding the creation of dust as a result of the proposals. As highlighted above, the proposals are to erect a covered store, therefore such works are considered to reduce the impact of dust.

SUMMARY/CONCLUSION

The proposal is considered to have an acceptable impact on the character and appearance of the area and adjacent Conservation Area. The proposal is also considered to create no additional harm to the amenity of neighbouring uses. The proposals are in accordance with the aforementioned policies, 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 'LP REV D' and approved drawing(s) '105 REV D', '106 REV D' submitted on 10th March 2025, '104 REV D' submitted 18th March 2025 and '102 REV F' submitted 28th April 2025, and specification contained therein. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

3 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken, and where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority. **Reason:** To safeguard health, safety and the environment in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029.

4 Best practicable means shall be employed at all times to control noise and dust on the site including:

-Work which is likely to give rise to noise nuisance be restricted to the following hours: Mon-Fri 7.30 am - 5 pm, Sat 7.30 am - 1pm. No working Sundays or Bank Holidays.

-Delivery vehicles should not be allowed to arrive on site before 8 am or after 4.30 pm Mon – Fri, 8 am - 1 pm Sat and not on Sundays or Bank Holidays.

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.
