

Planning Committee

Tuesday 11 December 2018

A meeting of the above Committee will be held at the Town Hall, Royal Leamington Spa on Tuesday 11 December 2018 at 6.00pm.

Councillor Cooke (Chairman)

Councillor Day (Vice Chairman)

Councillor Ashford

Councillor Mrs Hill

Councillor Barrott

Councillor Morris

Councillor Boad

Councillor Mrs Stevens

Councillor Mrs Bunker

Councillor Weed

Councillor Heath

Emergency Procedure

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

Agenda

Part A – General

1. Apologies and Substitutes

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

2. Declarations of Interest

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

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

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

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

3. **Site Visits**

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

4. **Minutes**

To confirm the minutes of the Planning Committee of 6 November 2018
(Pages 1 to 27)

Part B – Planning Applications

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

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|-----|--|------------------------|
| 5. | W/18/1489 – Tesco Supermarket, Emscote Road, Warwick | (Pages 1 to 16) |
| 6. | W/18/1756 – Land at Tesco Supermarket, Emscote Road, Warwick | (Pages 1 to 3) |
| 7. | W/18/1757 – Land at Tesco Supermarket, Emscote Road, Warwick | (Pages 1 to 4) |
| 8. | W/18/1758 – Tesco Supermarket, Emscote Road, Warwick | (Pages 1 to 3) |
| 9. | W/18/1759 – Land at Tesco Supermarket car park, Emscote Road, Warwick | (Pages 1 to 3) |
| 10. | W/18/1630 – The Cedars, Stoneleigh Road, Bubbenhall | (Pages 1 to 12) |
| 11. | W/18/1646 – Warwick Hospital, Lakin Road, Warwick | (Pages 1 to 9) |
| 12. | W/18/1735 – 6 Gaskell Way, Barford | (Pages 1 to 4) |
| 13. | W/18/1817 – Riverside House, Milverton Hill, Royal Leamington Spa | (Pages 1 to 8) |
| 14. | W/18/1846 – Victoria Park Car Park, Princes Drive, Royal Leamington Spa | (Pages 1 to 12) |

Part C – Other matters

- | | | |
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| 15. | Appeals Report | (To follow) |
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Please note:

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

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

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

Published Monday 3 December 2018

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

Telephone: 01926 456114

E-Mail: committee@warwickdc.gov.uk

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

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

planningcommittee@warwickdc.gov.uk

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

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

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

Planning Committee

Minutes of the meeting held on Tuesday, 6 November 2018 in the Town Hall, Royal Leamington Spa at 6.00 pm.

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

Also Present: Civic and Committee Manager – Mrs Barnes; Committee Services Officer – Mrs Tuckwell; Legal Advisor – Mr Howarth; Head of Development Services – Mr Barber; Senior Planning Officer – Mr Charles; Business Manager – Development Management – Mr Young; Manager – Development Services – Mr Fisher; and Mr Lyons – Warwickshire County Council Minerals Team.

Apologies and Substitutes

- (a) There were no apologies;
- (b) Councillor Miss Grainger substituted for Councillor Ashford and Councillor Mrs Falp substituted for Councillor Heath.

105. Declarations of Interest

Minute Number 111 – W/18/0953 –Holloway Farm, Wellesbourne Road, Wasperton

Councillor Cooke and Councillor Mrs Falp declared interests because they were members of Warwickshire County Council.

Minute Number 108 – W/18/0606 –Land at The Triangle, Lower Heathcote Farm, Warwick

Councillor Mrs Falp declared an interest because she knew someone who worked for Gallagher Estates.

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

Minute Number 109 – W/18/1551 – Car Park, Archery Road, Royal Leamington Spa

All Councillors declared an interest because the applicant was Warwick District Council.

Minute Number 114 – W/18/1763 – Surface Car Park, Court Street, Royal Leamington Spa

106. All Councillors declared an interest because the applicant was Warwick District Council.

PLANNING COMMITTEE MINUTES (Continued)

107. Site Visits

There were no site visits undertaken prior to the meeting, as agreed with the Chairman and following consultation with the Committee members.

108. Minutes

The minutes of the adjourned meeting held on 9 and 10 October 2018 were proposed with two amendments:

Minute 87 – Declarations of Interest: application W/18/1276 – 2 Satchwell Place, Royal Leamington Spa, should read Minute Number 93, not 92; and

Minute 96 –Councillor Morris had proposed the application to be refused, and not Councillor Cooke.

The amendments were agreed and duly signed by the Chairman as a correct record.

109. W/18/0606 – Land at the Triangle, Lower Heathcote Farm, Warwick

The Committee considered an outline application from Gallagher Estates for up to 150 dwellings (including 40% affordable housing), and public open space, with access provided from consented Lower Heathcote Farm development and all other matters reserved for future determination.

This application was presented to Committee due to an objection from Bishops Tachbrook Parish Council having been received.

The officer mentioned that the site was allocated within the Local Plan for residential development as part of allocation H02. When taken into consideration with the extant planning permissions for 1515 dwellings across the site, the proposed number of dwellings would exceed the overall allocation of 1605 dwellings by 60 units, which equated to approximately 3.8% above the overall allocation. In the officer's opinion, the applicant had demonstrated that the site was capable of accommodating a very high quality scheme at that level, which was acceptable in overall terms, including in respect of the integration of built development within the surrounding landscape. The site provided additional benefits in securing an appropriate highway linkage to the adjacent site to provide a comprehensive development across the overall allocation.

For the above reasons, officers recommended that outline planning permission was granted subject to the conditions listed in the report and the signing of a Section 106 Agreement.

An addendum circulated at the meeting provided additional information with regards to the Local Plan making allowance for up to 1010 windfall dwellings over and above the allocations themselves, and since the adoption of the Local Plan, permission had been granted for 275 such dwellings.

PLANNING COMMITTEE MINUTES (Continued)

In addition, the addendum provided clarification on various details, corrected one error in the report and advised of three amendments to the conditions in the report.

The following people addressed the Committee:

- Councillor Bullen, representing Bishops Tachbrook Parish Council, objecting to the application; and
- Mrs Liz Boden, representing Pegasus Group, on behalf of Gallagher Estates LTD, supporting the application.

In answer to Councillor Barrott's question, it was clarified by the Officer that this was the last piece of land that had not been yet allocated. Councillor Day emphasised that if planning permission was granted, this would impact on the local residents and the Country Park. Councillor Day was concerned that the financial contribution per additional dwelling was not enough to compensate for the high impact the development would have. The Officer emphasised the fact that the financial contributions would make it possible to have more ambitious plans regarding the Country Park.

Members received advice from the legal officer regarding the contributions being proposed to the Country Park and that specific details would be included in the S106 agreement.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Grainger and seconded by Councillor Boad that the application should be granted in accordance with the recommendation in the report, subject to an amendment to Condition 7 in the report, the retention of Condition 15, contrary to the advice in the addendum and a note to applicant relating to the pepper potting of the affordable housing.

The Committee therefore

Resolved that W/18/0606 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) details of the appearance, landscaping, layout and scale of the development (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out in strict accordance with these reserved matters as approved. **Reason:** To comply with Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2010 (as amended);
- (2) application for approval of the reserved matters shall be made to the local planning authority no later than three years from the date of this permission. **Reason:** To comply

PLANNING COMMITTEE MINUTES (Continued)

with Section 92 of the Town and Country Planning Act 1990 (as amended);

- (3) the development to which this permission relates shall begin within three years of the date of this permission or within two years of the final approval of the reserved matters, whichever is the later. **Reason:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended);
- (4) no part of the development hereby permitted shall be commenced until a detailed access plan including details of the proposed alterations to the highway has been submitted to and approved in writing by the Local Planning Authority in consultation with the County Highways Department. Thereafter, the approved access shall be carried out in general accordance with the approved details prior to the first occupation of any dwellings constructed on the site. **Reason:** In the interest of highway safety and to ensure appropriate access is available for the future occupiers of the dwellings;
- (5) the Reserved Matters submission shall include details of the spine road extending up to and including the application site boundary to the east of the development where it meets the former sewage works land. The road shall be detailed as providing a carriageway in accordance with adoptable highway standards. **Reason:** To secure an appropriate linkage to the adjacent residential allocation in order to provide a comprehensive transport strategy for the development in accordance with Policy DS15 of the Warwick District Local Plan;
- (6) no development shall take place under any reserved matters consent until a construction phasing plan of the development has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in strict accordance with the phases established in the phasing plan as approved by the local planning authority. **Reason:** To ensure the proper phasing of the development;
- (7) no reserved matters application for any residential phase of the development shall be submitted until there has been submitted to and approved in writing by the Local

PLANNING COMMITTEE MINUTES (Continued)

Planning Authority a Site Wide Masterplan for the approved development in accordance with the principles set out within the Council's approved document 'Garden Towns, Villages and Suburb: A Prospectus for Warwick District Council, May 2012' (and any subsequent revision and/or approved plans/strategy available at the time), and which shall also accord with the principles set out in the approved Site Wide Design Code. The Site Wide Master Plan shall include the following:

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

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

PLANNING COMMITTEE MINUTES (Continued)

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

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

- hierarchy of streets / routes / sections (including the extent of adoptable highways and associated areas);
- development blocks including built form and massing and relationship with adjoining development areas/blocks including areas of transition between development parcels (including the relationship between built form and adjoining open space);
- building types;
- building heights;
- the means to accommodate the parking of vehicles and cycles;
- sustainable Urban Drainage features;
- key spaces, open spaces and green features;
- architectural language and detailing;
- design principles for street tree planting and other structural planting landscaping areas;
- design principles on hard and soft landscaping treatments (including surfacing materials for all public realm) and proposals for their long term management;
- design principles on waste disposal and recycling;
- design principles on the colour and texture of external materials and

PLANNING COMMITTEE MINUTES (Continued)

- facing finishes for roofing and walls of buildings and structures;
- design principles for street lighting and any other lighting to public space (including parking areas);
- the principles shall include a regulating plan on an ordnance survey base at a scale no greater than 1:1250;
- a mechanism for periodic review and refinement if necessary of the approved Design Code.

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

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

- (9) the development hereby permitted shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the District Planning Authority. The CEMP needs to be compliant with the British Standard on Biodiversity BS 42020:2013 published in August 2013. In discharging this condition, the LPA expect to see details concerning pre-commencement checks and monitoring for protected and notable species and habitats as deemed appropriate. In addition, appropriate working practices and safeguards for other wildlife dependent of further survey work, that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full. **Reason:** To ensure that protected species are not harmed by the development in accordance with National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Saved Policy NE2 of the Warwick District Local Plan 2011-2029;
- (10) the development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should include details of habitat enhancement/creation measures and

PLANNING COMMITTEE MINUTES (Continued)

management, such as the pond, wildflower grasslands and provision of habitat for protected species. The plan should also include details on soil management to make best use of the high quality soils on site detailed guidance to inform this matter is available in Defra '*Construction Code of Practice for the Sustainable Use of Soils on Construction Sites*'. Such approved measures shall thereafter be implemented in full. **Reason:** To enhance biodiversity in accordance with NPPF;

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

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

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

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

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

2. All development of the site shall accord with

PLANNING COMMITTEE MINUTES (Continued)

the approved method statement.

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

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

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

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

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

PLANNING COMMITTEE MINUTES (Continued)

shall provide for:

- A construction phasing plan.
- An HGV routing plan.
- Any temporary measures required to manage traffic during construction
- Plans and details of haul roads within the site and for the turning and unloading and loading of vehicles within the site during construction
- Dust management and suppression measures – level of mitigation determined using IAQM guidance
- Wheel washing
- Noise assessment and mitigation method statements for the construction activities; in accordance with provisions of BS 5228:2009 Code of practice for noise and vibration control on construction and open sites – Part 1 and 2
- Concrete crusher if required or alternative procedure
- Delivery times and site working hours
- Site lighting
- Access and protection arrangements around the site for pedestrians, cyclists and other road users
- Restrictions on burning and details of all temporary contractors buildings
- Plant and storage of materials associated with the development process
- External safety and information signing notices
- Complaints procedures, including complaints response procedures and dedicated points of contact
- Best practicable means shall be employed at all times to control noise and dust on the site including:
 - Work which is likely to give rise to noise nuisance be restricted to the following hours: Mon-Fri 7.30 am - 5 pm, Sat 7.30 am - 1pm. No working Sundays or Bank Holidays.
 - Delivery vehicles should not be allowed to arrive on site between 7:30am and 9:15am and 4.30pm and 6:00pm Mon – Fri.

The measures indicated within the Construction Management Plan shall be implemented prior to the commencement of the development and maintained for the duration of the works,

PLANNING COMMITTEE MINUTES (Continued)

unless otherwise agreed in writing by the local planning authority. **Reason:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1, TR4 and NE5 of the Warwick District Local Plan 2011-2029;

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

(15) no residential phase of the development shall take place under any reserved matters consent until a scheme for that reserved matters consent has been submitted to and approved in writing by the local planning authority indicating how and when mixed open space facilities will be incorporated into the development. The scheme shall be implemented in strict accordance with the approved details and shall be retained thereafter. **Reason:** To ensure appropriate open space and recreational facilities are provided to serve the development in accordance with Policy HS4 of the Warwick District Local Plan 2011-2029;

(16) no development shall take place under any reserved matters consent until a scheme for that reserved matters consent has been submitted to and approved in writing by the local planning authority demonstrating that surface water runoff does not exceed runoff from the undeveloped site and does not increase the risk of flooding off-site. Post development runoff volumes and peak flow rates will be limited to the Greenfield discharge rate for all rainfall return periods up to and including the 100 year plus 30% (for climate change) as outlined within the Flood Risk Assessment. On-Site surface water attenuation will be provided to the 1:100 Climate change

PLANNING COMMITTEE MINUTES (Continued)

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

- (17) the development hereby permitted shall be carried out in strict accordance with details of surface and foul water drainage works that shall have been submitted to and approved in writing by the local planning authority.

Reason: To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy FW2 of the Warwick District Local Plan 2011-2029;

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

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

- (19) no development shall take place under any relevant phase of development until a detailed

PLANNING COMMITTEE MINUTES (Continued)

lighting scheme for that phase has been submitted to and agreed in writing by the local planning authority. In discharging this condition the local planning authority expects lighting to be restricted around the boundary edges, particularly along hedgerows, where protected species are likely to be found, and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife. This could be achieved in the following ways:

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

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

- (20) the development hereby permitted shall not be occupied unless and until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority and the approved scheme has been implemented in full in strict accordance with the approved details. **Reason:** In the interests of fire safety;
- (21) any landscaping (other than the planting of trees and shrubs) including boundary treatment, paving and footpaths referred to in condition one shall be completed in all respects, with the exception of tree(s) and shrub(s) planting, within the first planting season following the first use of dwellings within that phase and the tree(s) and shrub(s) shall be planted within six months of that first use. Any tree(s) or shrub(s) removed, dying,

PLANNING COMMITTEE MINUTES (Continued)

or becoming in the opinion of the local planning authority seriously damaged, defective or diseased within five years from the substantial completion of the scheme shall be replaced within the next planting season by tree(s) or shrub(s) of similar size and species to those originally required to be planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029;

- (22) the existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any tree(s) or shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, in the opinion of the local planning authority, seriously damaged or defective within five years from the substantial completion of development shall be replaced, as soon as practicable with tree(s) and shrub(s) of such size and species details of which must be submitted to and approved by the local planning authority. All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces). **Reason:** To protect those trees and shrubs which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029; and
- (23) the mix of type and size of market dwellings submitted as part of any reserved matters application must accord with the recommendations contained within the most up to date version of the "Development Management Policy Guidance : Achieving Mix of Market Housing on new Development Sites". **Reason:** To ensure that the housing meets the needs of the District as required by Local Plan Policy H4 of the Warwick District Local Plan

PLANNING COMMITTEE MINUTES (Continued)

2011-2029 and the NPPF.

Note: Officers to liaise with the applicant to ensure that the affordable housing is “pepper potted” throughout the site.

110. W/18/1551 –Car Park, Archery Road, Royal Leamington Spa

The Committee considered an application from Warwick District Council for the proposed improvements to existing municipal car park, including new asphalt surfacing and increase to the parking area (and associated change of use of parkland to car park), new boundary treatments, lighting columns, CCTV, pay machines and formalised parking bays.

This application was presented to Committee because Warwick District Council was the applicant and more than five letters of objection had been received.

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

An addendum circulated at the meeting advised that an additional eleven public responses had been received, as well as responses from Councillor Gallagher, Warwickshire Garden Trust, Warwick County Council Ecology and Warwick County Council Local Lead Flood Authority (LLFA), objecting to the application. The addendum also advised of several additional conditions as well as amendments to existing conditions.

The Committee were advised that the objection submitted by the Bowling Club had subsequently been withdrawn, as had the speaker registered to speak on their behalf.

The following people addressed the Committee:

- Councillor Knight, representing Royal Leamington Spa Town Council, objecting to the application;
- Ms Hodgetts, representing Conservation Advisory Forum, objecting to the application;
- Mr Adams, objecting to the application; and
- Councillor Naimo, Ward Councillor, objecting to the application.

A motion proposed by Councillor Grainger and seconded by Councillor Day to grant planning permission in accordance with the recommendations in the report and the amendments suggested in the addendum, an amendment to Condition Three in the report, with notes to the applicant to explore provision of cycle racks, electrical car charging points and requesting the applicant to preserve trees and vegetation wherever possible, was defeated.

PLANNING COMMITTEE MINUTES (Continued)

Members raised concerns that the proposed development caused less than substantial harm to the listed park and garden and the public benefits did not outweigh the harm.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Barrott and seconded by Councillor Morris that the application should be refused on the grounds that it was contrary to Local Plan Policies HE1 and HE2.

The Committee therefore

Resolved that W/18/1551 be **refused** contrary to the recommendations in the report, for the following reasons:

- (1) the application did not comply with Local Plan Policies HE1 and HE22; and
- (2) it was the view of the Committee that the proposed development caused less than substantial harm to the listed park and garden and the public benefits did not outweigh the harm.

(The Chairman adjourned the meeting at 20.49 for a short comfort break.)

111. W/18/1826 – The Bungalow, Honiley Road, Beausale

The Committee considered an application from Forte Projects LTD for the variation of condition two (approved drawing numbers) of planning permission ref: W/17/1639 - Demolition of existing bungalow and construction of two detached dormer bungalows; Formation of one new access to the highway, to allow for an amended house type which included a single storey rear extension to Plot One.

This application was presented to Committee because an objection had been received from Beausale, Haseley, Honiley & Wroxall Parish Council.

The officer was of the opinion that the amended design of Plot One which incorporated a single storey extension was considered to constitute appropriate development in the Green Belt which would not result in material harm to the character and appearance of the street scene or the amenity of nearby neighbouring properties.

An addendum circulated at the meeting provided further details relating to the Site History, as well as some enforcement issues.

The following people addressed the Committee:

- Councillor Gee, representing Beausale, Haseley, Honiley & Wroxall Parish Council, objecting to the application; and
- Councillor Gallagher, Ward Councillor, objecting to the application.

PLANNING COMMITTEE MINUTES (Continued)

It was clarified by the Officers and Council's Solicitor that although there was pending enforcement, the Committee was to consider the application.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Morris and seconded by Councillor Grainger that the application should be granted in accordance with the recommendations in the report.

The Committee therefore

Resolved that W/18/1826 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 3467-S4, 3467-P3, 3467-S2, 3467-P1, 3467-P2, and specification contained therein, submitted on 21 September 2018. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;
 - (2) other than site clearance and preparation works, no works shall commence on the construction of the development hereby permitted until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;
 - (3) the development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which have been submitted to and approved in writing by the Local Planning Authority. Details of soft landscaping shall include any replacement planting proposed within the site and/or around the perimeter of the site and at least in relation to the frontage boundary to replace planting removed. Details of hard landscaping works shall include boundary treatments, including full details of any proposed boundary walls, railings and/or gates to be erected, specifying the colour of any railings and gates; footpaths; and hard
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PLANNING COMMITTEE MINUTES (Continued)

surfacing, which shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029;

- (4) no part of the development hereby permitted shall be commenced (including demolition, site clearance or other preparatory works) and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the District Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837:2012, Trees in Relation to design, demolition and construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place without the prior consent in writing of the District Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **Reason:** To protect trees and other features on site during construction in accordance with Policies BE1 and NE4 of the
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PLANNING COMMITTEE MINUTES (Continued)

Warwick District Local Plan 2011-2029;

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

PLANNING COMMITTEE MINUTES (Continued)

the public highway carriageway, in accordance with drawing no. 3103-08. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

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

- (8) the development shall not be occupied until the accesses to the site have been positioned and laid out in accordance with drawing no. 3103-08. **Reason:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;
- (9) the accesses to the site for vehicles shall not be used in connection with the development until they have been surfaced with a bound material for a minimum distance of 7.5 metres as measured from the near edge of the public highway carriageway. **Reason:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;
- (10) the accesses to the site for vehicles shall not be used unless public highway verge crossings have been laid out and constructed in accordance with the standard specification of the Highway Authority. **Reason:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;
- (11) the development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Low Emission Strategy Guidance for Developers (April 2014) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan 2011-2029; and
- (12) the roof area of the single storey rear extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area. **Reason:** In the interests of the

PLANNING COMMITTEE MINUTES (Continued)

amenities of the occupiers of nearby properties in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

112. W/18/0953 - Holloway Farm, Wellesbourne Road, Wasperton

The Committee considered an application from Cadogan & Co for the erection of a poly-tunnel for the production of hydroponically grown crops.

This application was presented to Committee due to the number of comments in support that had been received and the application being recommended for refusal.

The officer was of the opinion that the National Planning Policy Framework (NPPF) attached "great weight to the benefits of mineral extraction". As this proposal had the potential to limit the scope of such development, it would be contrary to national and local planning policy including Policy M5 of the Minerals Local Plan for Warwickshire, Policy NE5 of the Local Plan and paragraph 206 of the NPPF. This would outweigh any possible benefits of the scheme.

An addendum circulated at the meeting advised of additional information sent by the applicant: a letter of support from a scientist that the applicant had collaborated with and details of a planning application for the extraction of sand and gravel in 1986 which was refused and showed that the area for sand and gravel extraction was at least 100m away from the site of the proposed polytunnel.

Mr Cadogan, the applicant, addressed the Committee.

A motion to grant planning permission contrary to the recommendations in the report proposed by Councillor Barrott and seconded by Councillor Mrs Bunker was defeated.

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

The Committee therefore

Resolved that W/18/0953 be **refused** in accordance with the recommendation in the report, for the following reason:

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

113. W/18/1717 - Land to the north and south of the A45 (between Festival and Tollbar junctions) and land at the A45/Festival

PLANNING COMMITTEE MINUTES (Continued)

Roundabout, the A46/Tollbar Roundabout and at the junctions of the A444 with the A4114/Whitley Roundabout.

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

The application was presented to Committee due to an objection having been received from Baginton Parish Council.

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

An addendum circulated at the meeting advised that revised landscaping drawings had been received on 30 October 2018 addressing the remaining concern of Coventry Airport, and an update to Condition One, in order to reflect the revised drawing numbers.

Following consideration of the report, presentation and information contained in the addendum, it was proposed by Councillor Mrs Falp and seconded by Councillor Barrott that the application should be granted in accordance with the recommendations in the report and an amendment to condition 1 of the report as per the addendum.

The Committee therefore

Resolved that W/18/1717 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 11 Rev.P3, 12 Rev.P3, 13 Rev.P1, 14 Rev.P1, 15 Rev.P1, 16, 17 Rev.P1, THDA-DR-0500-500 Rev.B and 150 Rev.D, and specification contained therein, submitted

PLANNING COMMITTEE MINUTES (Continued)

on 5 September 2018, approved drawing CPW-180802-E-EXT-210-00-01 Rev.P5, and specification contained therein, submitted on 19 October 2018 and revised drawings 01 Rev.C, 02 Rev.D, 03 Rev.D and 04 Rev.D, and specification contained therein, submitted on 30 October 2018.

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

- (2) the lighting scheme approved as part of the development hereby permitted shall be implemented in accordance with the submitted 'External Lighting Report 180802' produced by Couch Perry Wilkes and the approved 'Proposed External Lighting Layout' drawing CPW-180802-E-EXT-210-00-01 Rev.P5.

Reason: To ensure that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;

- (3) the development hereby permitted shall be carried out strictly in accordance with the approved Flood Risk Assessment (FRA) *UK Battery Industrialization Centre, Coventry_THDA_B18222C-(P0048)THDA-RP-FRA-Rev 1_October 2018*. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing and phasing arrangements embodied within the scheme. **Reason:** To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures in accordance with Policies FW1 and FW2 of the Warwick District Local Plan 2011-2029; and

- (4) prior to the first use of the development hereby permitted, evidence to show an agreement from Severn Trent Water to connect to their assets shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Lead Local Flood Authority. **Reason:** To demonstrate the development has a viable outfall for the drainage system in accordance with Policy FW2 of the Warwick District Local Plan 2011-2029.

PLANNING COMMITTEE MINUTES (Continued)

114. W/18/1738LB - 2 Satchwell Place, Leamington Spa

This application was withdrawn by the applicant prior to the meeting.

115. W/18/1763 - Surface Car Park, Court Street, Leamington Spa

The Committee considered an application from Warwick District Council for proposed improvements to existing municipal car park to include additional parking bays, extended asphalt surfacing, change of use of existing disused area to form enlarged car park, lighting, CCTV and an additional pay machine.

The application was presented to Committee because Warwick District Council was the applicant.

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

An addendum circulated at the meeting advised that WCC Ecology had no objection, subject to a condition relating to the provision of lighting details and a note in reference to the protection of hedgehogs. In addition, an updated lighting scheme had been submitted in accordance with the Conservation Officer's recommendations and Condition 2 of the report would be amended to reflect the updated lighting details.

The addendum also advised that confirmation was still awaited from the LLFA regarding the submitted drainage details. An additional condition would be required to ensure that the development was carried out in accordance with the details submitted.

Following consideration of the report, presentation and the information contained in the addendum it was proposed by Councillor Mrs Falp and seconded by Councillor Barrott that the application should be granted in accordance with the recommendations in the report.

The Committee therefore

Resolved that W/18/1763 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

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

PLANNING COMMITTEE MINUTES (Continued)

details shown on the site location plan and approved drawing 006-PE-00-BG-DR-C-0107 Rev P04 submitted on 9 November 2018 and details contained within document, email from William Savage submitted on 9th November 2018 to the Local Authority 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; and

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

PLANNING COMMITTEE MINUTES (Continued)

accordance with the approved details and thereafter shall remain in place for the full duration of any such construction work. In addition, no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within ten metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **Reason:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029; and

Note to applicant – to provide suitable measures to ensure the protection of hedgehogs.

116. Land at New Kingswood Farm, Dalehouse Lane, Kenilworth

The Committee considered an application for a Certificate of Appropriate Alternative Development from Mr Guy Minshull for the conversion of agricultural building to five dwellings. This was under the Land Compensation Act 1961, Section 17 as Substituted by Section 63 of the Planning and Compensation Act 1991.

The application was presented to Committee because the property was being compulsory purchased by HS2 Ltd.

The officer was of the opinion that prior approval would be given under Class Q for the conversion of the building into five residential units. It therefore followed that a Certificate of Appropriate Alternative development should be issued.

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

The Committee therefore

Resolved that the Application for a Certificate of Appropriate Alternative Development be **granted**.

PLANNING COMMITTEE MINUTES (Continued)

The development proposed was certified as lawful for planning purposes and prior approval by the Local Authority was not necessary, subject to the conditions expressed in Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GDPO).

117. Planning Appeals Report

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

Resolved that the report be noted.

(The meeting ended at 22.40 pm)

CHAIRMAN

Planning Committee: 11 December 2018

Item Number: **5**

Application No: [W/18/1489](#)

Town/Parish Council: Warwick

Case Officer: Helena Obremski

01926 456531 Helena.Obremski@warwickdc.gov.uk

Registration Date: 03/08/18

Expiry Date: 28/09/18

Tesco Supermarket, Emscote Road, Warwick

Erection of a detached two storey restaurant with car parking, landscaping and associated works; Installation of 2no. customer order displays with associated canopies. FOR McDonald's Restaurants Ltd

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

RECOMMENDATION

Planning Committee is recommended to grant planning permission, subject to the conditions listed at the end of this report and subject to the signing of a satisfactory Section 106 agreement within 3 months of the date of the meeting.

DETAILS OF THE DEVELOPMENT

The application seeks planning permission for the erection of a two storey, detached drive-through restaurant, car parking, landscaping and associated works. The application also seeks planning permission for the installation of two Customer Order Displays with associated canopies.

THE SITE AND ITS LOCATION

The application site is located within the car park of an existing Tesco supermarket, situated off the Emscote Road located in the urban area of Warwick. The surrounding uses include residential properties, a canal to the north and river to the south.

PLANNING HISTORY

There are various previous permissions relating to the site, however, only the following is considered to be relevant:

W/94/0993 - Retail development (supermarket Class A1 and A3) and a petrol filling station together with approval to the means of access - allowed at appeal

W/17/2263 - proposed erection of a freestanding two storey restaurant with car parking, landscaping and associated works. Installation of 2 Customer Order Displays with associated canopies - withdrawn

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR2 - Traffic generation (Warwick Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)
- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029)
- TC2 - Directing Retail Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- Guidance Documents
- Parking Standards (Supplementary Planning Document)
- LES - Low Emission Strategy Guidance for Developers (April 2014)

SUMMARY OF REPRESENTATIONS

Warwick Town Council: Objection on the following grounds:

- insufficient parking,
- the road junction cannot cope with additional capacity,
- impact on pedestrian and cyclist safety,
- flood risk assessment is required,
- impact on air quality,
- support of comments made by Councillor Edgington.

Councillor Holland: Objection on the following grounds:

- the development is contrary to the Council's Sustainable Development Travel Plan,
- traffic volume along Emscote Road is already too high,
- the existing junction serving Tesco is inadequate and requires a re-design.

Councillor Edgington: Objection on the following grounds:

- the proposal fails to meet the requirements of Local Plan Policy BE1 - lack of inter connectivity, designing out crime, adequate cycling and walking routes, providing a safe and attractive environment,
- the proposal fails to comply with Local Plan Policy BE3 - proposed lighting and noise disturbance will be harmful to neighbouring residential properties,
- the proposal fails to comply with Local Plan Policies TR1, TR2 and TR3 - the proposal undermines highway safety and would have a harmful impact on pedestrians and cyclists, the development would have a detrimental impact on air quality, lack of parking.

Councillor Bolton: Objection on the following grounds:

- the proposal fails to meet the requirements of Local Plan Policy BE1 - lack of inter connectivity, designing out crime, adequate cycling and walking routes, providing a safe and attractive environment,
- the proposal fails to comply with Local Plan Policy BE3 - proposed lighting and noise disturbance will be harmful to neighbouring residential properties,
- the proposal fails to comply with Local Plan Policies TR1, TR2 and TR3 - the proposal undermines highway safety and would have a harmful impact on pedestrians and cyclists, the development would have a detrimental impact on air quality, lack of parking.

Councillor D'Arcy: Objection on the following grounds:

- the proposal will add to existing congestion and impact air quality,
- the sewers will struggle to cope with the additional demands,
- increase in rodents,
- increase in litter,
- increase in noise disturbance,
- there are two McDonald's nearby so the proposed restaurant is not needed,
- impact on ecology.

WCC Highways: No objection, subject to conditions.

WCC Local Lead Flood Authority: No objection, subject to conditions.

WCC Landscape: Objection, the proposed landscaping is wholly inadequate.

WCC Ecology: No objection.

Inland Waterways: Objection on the following grounds:

- the restaurant is an unnecessary addition,
- highway safety and traffic,
- anti-social behaviour,
- litter,
- pollution,
- drainage, sewage disposal and flood defence have not been properly considered.

Canal and River Trust: No objection.

Environmental Protection: No objection, subject to conditions.

Warwickshire Fire and Rescue Service: No objection, subject to condition.

Designing Out Crime Officer (Warwickshire Police): No objection, request that the development is built in accordance with the principles of Secured By Design.

Public Responses: 261 Objections have been received on the following grounds:

- increase in litter and the proposed litter plan will not work,
- increased traffic and impact on existing junction which cannot cope,
- increase in pollution,

- inadequate access arrangements,
- detrimental impact on health, encouraging poor eating choices and obesity which is contrary to local and national health objectives,
- proximity to local schools,
- highway and pedestrian safety concerns,
- anti-social behaviour,
- impact on local residents amenity (noise, odours, light)
- increased numbers of vermin,
- impact on wildlife,
- McDonald's does not have good animal welfare standards,
- proposal will have a detrimental impact on local businesses and the economy,
- reference to original planning permission for Tesco which did not allow further extensions,
- there are no environmental benefits offered such as green roofs or SUDS,
- the development will de-value surrounding properties,
- detrimental impact on the character of the area,
- impact on the nearby canal,
- impact on drainage,
- the applicant uses a large amount of plastic packaging,
- the jobs provided would be low-paid and zero-hour contracts,
- the documents provided in support of the application are generic and not site specific,
- the proposal will encourage gypsies, travellers and the homeless,
- the restaurant would reduce the means of escape from Tesco, considerably adding to the risk of fire,
- the Transport Statement provided is mis-leading,
- the application, its notice and public consultation has been done in a secretive manner,
- lack of detail in reference to sequential test.

22 letters of support have been received on the following grounds:

- an additional McDonald's will ease congestion around the restaurant at Queensway,
- the proposal will not generate a significant amount of traffic,
- there are adequate parking and access arrangements,
- the development will not have a harmful impact on the character of the area,
- there will be public benefits such as the provision of jobs for the local community with career progression opportunities, which will have financial benefits to the economy,
- the proposal offers people choice and diversity,
- the proposal will attract people to the area,
- the area already has a litter problem, which could be improved as a result of the proposed development,
- the proposal will not encourage anti-social behaviour or poor eating habits as this is the choice of the individual,
- there is already noise and light pollution from Tesco which won't be exacerbated as a result of the proposal,
- there is demand for the proposed restaurant as demonstrated by queues at the other McDonald's restaurants,
- the proposal will reduce levels of pollution as residents of Warwick will not have to travel so far to get to McDonald's,

- McDonald's has healthy eating options,
- the proposal could attract other 'big-name' businesses to the area which could bring benefits to the economy.

1 neutral comment has been received:

- no objection in principle, would prefer an alternative restaurant choice as there is already a McDonald's within the area.

Emscote Gardens Residents Association: Objection on the following grounds:

- insufficient information in relation to flooding provided,
- the FRA does not take into account the impact on the area downstream from Emscote
- Gardens estate,
- errors in the 2018 FRA which does not take into account the impact on flood defences.

Assessment

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

- principle of the development: retail policy and the impact on the vitality and viability of town centres;
- highway safety and parking;
- the impact on the character and appearance of the area;
- the impact on the living conditions of nearby dwellings;
- flood risk;
- ecological impact;
- waste management;
- health and wellbeing,
- other matters

Principle of the Development: retail policy and the impact on the vitality and viability of town centres

Local Plan Policy TC2 states that within the town centres, new retail development (defined as Use Classes A1, A2, A3, A4 and A5) should be located as a first preference in the retail areas defined on the Policies Map. Where suitable sites are not available in the retail areas, sites on the edge of the retail areas will be considered and, if no suitable sites are available in any of the preferred locations, out-of-centre sites will be considered. The policy states that where edge of centre or out of centre sites are considered, evidence of the impact on the town centre will be required where the proposal is above 500 sq. m. The proposal is for a unit of 560sqm.

Established case law in *Tesco Stores Limited V Dundee City Council, March 2014* indicates that the suitability of alternative sites considered in the context of a sequential assessment should be directed at the nature of the development that is being proposed. The sequential test is whether a site is capable of accommodating the needs of a proposed use.

The business model characteristic of the proposed drive-thru with on-site car park means it is not a facility that can be readily provided within the town centre. The drive-thru needs to be in a convenient location for existing drivers on the highway network.

A sequential test has been carried out by the applicant, which provides details to show that a range of other sites in Warwick were considered, but have been discounted. The potential alternative sites were not considered appropriate as they are either insufficient with regard to availability, overall size/site dimensions or they do not have the necessary relationship with a busy road in order that enough trade to support the development will be forthcoming. It is considered that the alternative site investigation submitted has been conducted appropriately, and that there are no alternative sites within the District at present which would be suitable for this nature of development.

As the proposed development is greater than 500sqm in total floorspace, the agent was asked to prepare a Retail Impact Assessment. However, there is no accepted methodology for the assessment of the impact of a restaurant with drive-thru on town centre cafes and takeaways - because of the nature of the development they are generally not located within the town centres and there is no evidence to suggest that they would be in direct competition with the town centre cafes.

The agent states that:

"The majority of people making trips into Warwick Town Centre will be making trips for a variety of reasons, rather than specifically to visit a takeaway/café in isolation. As such these trips will still take place, the proposed McDonald's will not impact upon joint trips to the town centre.

The proposed drive-thru restaurant provides the opportunity for customers to sit in or take away, thus it is not considered possible to carry out a quantitative assessment. A drive-thru restaurant requires particular market and locational requirements, which facilitates a large proportion of joint trips from passing trade, rather than becoming a destination in its own right.

The drive-thru would attract mainly vehicle-borne passing trade from customers making linked trips to Tesco and those already using Emscote Road. If the drive-thru was not in place, as at present, this vehicle-borne trade would be unlikely to come into Warwick Town Centre specifically to visit a restaurant/takeaway unless it was already part of their trip. As such, the drive-thru is unlikely to attract trade from the town centre, rather it will instead draw its trade from the existing road network and Tesco customers.

Given the above, it is not considered that the proposal would have a detrimental impact upon any committed planned public or private investment in Warwick. The proposal would in fact provide additional consumer choice to Warwick. If someone did want to specifically visit a McDonald's Restaurant the proposal would negate the need to travel to Royal Leamington Spa and would keep people within the wider Warwick catchment. As detailed throughout the sequential test, there are no sequentially preferable sites and the proposal cannot be disaggregate."

The above statement is supported by the details provided in the Transport Assessment submitted with the application, which indicates that at peak times, a maximum of 19% of people would drive to, park and eat within the restaurant. The vast majority of consumers are those who would use the drive-thru service and eat the products off-site, being between 55 - 62% during the peak periods.

Given that no other suitable sites are available, and the unique business model for the proposed drive-thru, the principle of development is considered to be acceptable. From the information provided, it is considered likely that the restaurant would be used by passing trade and would not represent a destination in its own right which is likely to compete with other town centre uses. The development is therefore unlikely to have a harmful impact on the vitality and viability of the town centre and is considered to be in accordance with Local Plan Policy TC2.

Concern has been raised by members of the public that the proposal will have a detrimental impact on local businesses and the economy. However, supporters of the proposal state that the proposed development could bring economic benefits such as employment opportunities and inward investment. Concern has also been raised regarding the level of detail contained within the sequential test. Officers are satisfied that sufficient information has been submitted to conclude that the proposal will not harm the vitality and viability of the town centre.

Highway safety and parking

There have been objections from the Town Council, local Councillors and members of the public on grounds that there is insufficient parking for the proposed development and the existing Tesco; the road junction cannot cope with additional capacity and needs redesigning; there would be a detrimental impact on pedestrian, vehicular and cyclist safety; the development is contrary Council's Sustainable Development Travel Plan and the Transport Statement provided is misleading.

Supporters of the development, however, contend that the proposed development would not generate a significant amount of additional traffic; an additional McDonald's will ease congestion around the restaurant at Queensway; and there are adequate parking and access arrangements.

The application site is accessed from Emscote Road via a signalised T-junction and is currently occupied by car parking spaces associated with the existing Tesco supermarket. A total of 535 car parking spaces are provided for the Tesco supermarket, which comprise 488 standard spaces, 26 disabled spaces, and 21 parent and child spaces. A 'Click & Collect' service is also available at the Tesco supermarket. The internal access road which would serve the proposed McDonald's restaurant currently provides access to the rear of the Tesco Supermarket and is utilised by large delivery/collection vehicles.

The development proposals would result in the loss of 88 car parking spaces associated with the Tesco supermarket, which would comprise of 77 standard spaces, 8 disabled spaces, and 3 parent and child spaces. A car parking area would be provided for the proposed McDonald's restaurant, which would

accommodate 33 customer parking spaces, and 2 reserved parking spaces for drive-thru customers that are awaiting the delivery of a large or unusual order.

The Highways Authority had originally objected to the proposed development based on a lack of information in order to assess the application, namely: up-to-date collision data; surveys of trip details to nearby McDonald's restaurants; full assessment of generation of traffic to the site; tracking details of large vehicles; and a Road Safety Audit.

One of the significant concerns regarding the proposed development is the impact on Emscote Road and notably the junction into the application site. To establish whether the additional vehicle trips and movements into/out of the Tesco superstore site access will have a detrimental impact on the operation and capacity of the local highway network, a LinSig assessment has been carried out by the applicant. LinSig is a computer software package for the assessment and design of traffic signal junctions either individually or as a network comprised of a number of junctions. Traffic engineers are able to construct a model of the junction or network which can then be used to assess different designs and methods of operation. The Highways Authority requested a copy of the LinSig model to assess the inputs and outputs used for the model.

Concern also focuses on the loss of parking for Tesco. Parking surveys have been provided by the applicant and the Highways Authority note that the surveys show that the car parking within Tesco can accommodate the proposed loss of parking. However, the Highways Authority noted that the proposed parking layout for the restaurant did not meet the required standards and requested that it was amended.

The Highways Authority had concerns that the location of the proposed access points will require vehicles, cyclists and pedestrians to travel along the existing service road that currently serves large delivery/collection vehicles. This could create conflict between vehicles/cyclists/pedestrians visiting the proposed McDonald's restaurant and HGV's delivering to the Tesco supermarket.

There have been ongoing discussions between the transport consultants representing the applicant and the Highways Authority since their initial letter of objection outlining the above concerns. The requested additional information has been submitted and has been assessed by the Highways Authority. The impact on the access junction into Tesco is considered to be acceptable, subject to the provision of £60,000 towards improvements. This can be secured through a Section 106 legal agreement which is being drafted.

The proposed internal pedestrian, cycle and vehicle movements within the Tesco site have been negotiated between the Highways Authority and the transport consultant. The Highways Authority have stated that their Traffic and Road Safety Team have assessed the amended details in reference to the pedestrian crossing and confirmed that they consider the principle of the proposed crossing within the site as acceptable. Owing to the time constraints of the application, they have recommended that a pre-commencement condition is imposed which requires a scheme to improve the crossing to be submitted and approved in writing. However, if these details can be agreed before the committee meeting, this condition will be amended accordingly.

The Highways Authority also recommend other conditions, which require the agreed improvement works to the existing central splinter island and mini-roundabout, a condition to require that the development is carried out in accordance with the details contained within the Delivery and Servicing Management Plan and a condition requiring the provision of a construction management plan prior to commencement of works on site. The Highways Authority has therefore removed its objection, subject to the inclusion of the recommended conditions.

Subject to the provision of a suitable Section 106 agreement, the proposal is considered to provide adequate access and parking arrangements. The development is therefore considered to be in accordance with Local Plan policies TR1, TR2 and TR3.

Impact on the character and appearance of the area

There have been objections from members of the public and local Councillors on grounds that the proposal fails to meet the requirements of Local Plan Policy BE1 in relation to a lack of interconnectivity, designing out crime, and providing a safe and attractive environment. Members of the public consider that the development would have a detrimental impact on the character of the area.

Supporters of the proposal state that the development will not have a harmful impact on the character of the area.

The proposed location of the restaurant is set in the context of a car park, with a large supermarket positioned to the rear of the site. There is also a petrol station and electricity sub-station within the wider site context, and canal to the north of the site, which is separated from the site by the existing service road. The site is also set down from Emscote Road and views of the application site are well-screened owing to the established vegetation alongside the canal.

The proposed restaurant would be two storey, with a simple and relatively modern design. The use of a mixed palette of materials such as timber cladding, dark grey bricks and stone tiles adds visual interest to the building and samples of materials can be secured by condition to ensure a high quality of design. In the site context and against the backdrop of the large supermarket, the proposed design is considered to be acceptable. The proposed development is unlikely to impact the street scene owing to the limited views from public vantage points. However, as stated, the development is considered to be of an acceptable design in this location.

Concern has been raised in relation to the impact of the proposed development on the nearby canal. There are proposals to include the canal in a new Conservation Area. However, presently, this has limited material weight. The Conservation Officer has raised concerns regarding the proposed development and impact on the setting of the canal. However, whilst these concerns are noted, the existing context of the site also must be appreciated - the existing site is a car park in the setting of a large scale commercial building; the proposal is for a modest building, of simple design, which would be positioned 45 metres from the canal. It should be noted that the Canal and River Trust have no objection to the proposal. The proposed development is not considered to have

such a harmful impact on the setting of the canal which would warrant reason for refusal of the application.

Objectors consider that the proposed development will not create a safe and attractive environment and concern has been expressed that the proposal will generate increased levels of anti-social behaviour. However, supporters state that the development will not encourage anti-social behaviour as this is the choice of the individual. Warwickshire Police have been consulted and they have no objection to the proposal, subject to the development being constructed in accordance with the principles of Secured By Design. The construction methods are a matter which would be dealt with by Building Control, however, an informative note for the applicant will be added in relation to this matter.

It is therefore considered that there would be no material planning reason to refuse the application on the grounds of design or the impact on the character and appearance of the area. The proposal is therefore considered to be in accordance with Local Plan policy BE1.

Reference has been made by objectors to the fact that the original planning permission for Tesco does not allow further extensions. However, this has been checked by Officers and no such condition was imposed by the Planning Inspectorate who allowed the development at appeal.

Impact on the living conditions of nearby dwellings

There have been objections from local Councillors and members of the public on grounds that the proposal fails to comply with Local Plan Policy BE3, in that the proposed lighting and noise disturbance will be harmful to neighbouring residential properties. Local residents have concerns regarding the potential impacts from odours and the impact on air quality from additional traffic entering the site and idling engines running.

Supporters of the proposal note that there is already noise and light pollution from Tesco which won't be exacerbated as a result of the development. Supporters also consider that the proposal will reduce levels of pollution as residents of Warwick will not have to travel as far to get to McDonald's.

Environmental Health Officers initially submitted an objection to the development because they required further information in order to be able to assess the impact of the proposed development, namely: details of air quality mitigation measures and details on potential noise levels of the proposed development including from cars.

This information has been provided by the applicant and Environmental Health Officers are satisfied that subject to conditions requiring that the air quality mitigation measures are implemented, plant noise is limited, noise and odours from kitchen extraction equipment are suppressed, and in the event that contamination is found that details are provided to the Local Authority, that the development will have an acceptable impact on neighbouring properties.

The closest neighbouring properties would be over 90 metres from the proposed restaurant, and therefore it is not considered that the proposed building would cause material harm to light, privacy or outlook.

Therefore, in view of these separation distances and in the context of the busy commercial nature of this locality, it is not considered that the proposals would give rise to any significant issues in terms of amenity, noise, odour and disturbance for neighbours or in terms of the visual impact of the proposals. The development is considered to be in accordance with Local Plan Policy BE3.

Flood Risk

There have been concerns raised in reference to the impact of the proposed development on flood risk. The Town Council state that a flood risk assessment is required. Members of the public consider that drainage and local flood defences have not been fully considered. The Emscote Gardens Residents Association have submitted a detailed letter of objection which states that insufficient information in relation to flooding has been provided, that the FRA does not take into account the impact on the area downstream from Emscote Gardens estate, and that there are errors in the 2018 Flood Risk Assessment which does not take into account the impact on flood defences.

A Flood Risk Assessment has been provided as part of the application and WCC Local Lead Flood Authority and the Environment Agency have been consulted regarding the proposals. WCC LLFA have made a detailed assessment of the information submitted and have no objection to the proposed development, subject to a condition requiring that no development shall take place until a detailed surface water drainage scheme for the site is submitted, based on the details contained within the flood risk assessment. They also request a condition requiring details of a maintenance plan in relation to surface water drainage.

No response has been received from the Environment Agency, however, the EA are not a statutory consultee for development of this nature and were consulted as pre-cautionary measure. Therefore, no response is required.

The development is therefore considered to provide adequate drainage details and is not considered to have a detrimental impact on flood risk. The development is considered to be in accordance with Local Plan policies FW1 and FW2.

Ecological Impact

There have been objections to the proposed development on grounds of a detrimental impact on ecology. However, WCC Ecology have commented on the proposal and have no concerns from an ecological perspective. The proposed restaurant would be located on an existing area of hardstanding where no wildlife, trees or vegetation will be impacted. It is considered that the proposed development is unlikely to cause harm to protected species and that the development is in accordance with Local Plan Policy NE2.

Waste Management

There have been a number of objections to the proposed development on grounds of the potential for increased littering and that the proposed litter plan will not be effective. Supporters consider that the area already has a litter problem, which could be improved as a result of the proposed development.

As the drive-thru restaurant would be a commercial site, the Local Authority has no control over the waste storage and collection arrangements, or litter prevention for the site. The owner of the site will be required to make their own waste collection arrangements.

It should be noted that the applicant has provided a Litter Management Plan as part of the proposals. This details that the site would have litter patrols, typically 3 times per day, which would identify where litter is being left / building up, and would generate a Litter Patrol Plan to identify the route and frequency of the patrols, which should be reviewed every 6 months.

Health and Wellbeing

Objectors consider that the proposed development would have a detrimental impact on health, encouraging poor eating choices and obesity which is contrary to local and national health objectives. Supporters state that the proposal will not encourage poor eating behaviours as this is the choice of the individual, and that McDonald's has healthy eating options.

It is not considered in planning terms that a restaurant / take-away would lead to such a significant impact on health and wellbeing which would warrant reason for refusal of the application. Moreover, there are no policies in the adopted Local Plan which prevent new restaurants or take ways on this basis.

Other matters

Warwickshire Fire and Rescue have commented on the application and have requested a condition requiring the applicant to provide details of water supplies and fire hydrants. This is considered to be reasonable and is included in the list of conditions at the end of the report.

There have been other objections to the proposal on the following grounds:

- the sewers will struggle to cope with the additional demands,
- increase in rodents,
- there are two McDonald's nearby so the proposed restaurant is not needed,
- proximity to local schools,
- McDonald's does not have good animal welfare standards,
- there are no environmental benefits offered such as green roofs or SUDS,
- the development will de-value surrounding properties,
- the applicant uses a large amount of plastic packaging,
- the jobs provided would be low-paid and zero-hour contracts,
- the documents provided in support of the application are generic and not site specific,
- the proposal will encourage gypsies, travellers and the homeless,

- the restaurant would reduce the means of escape from Tesco, considerably adding to the risk of fire.

Supporters of the proposal state that:

- the proposal offers people choice and diversity,
- there is demand for the proposed restaurant as demonstrated by queues at the other McDonald's restaurants.

The above matters are either dealt with by Building Regulations and/or are not material planning considerations, so do not form part of the assessment of this application.

Members of the public have stated that the application, its notice and public consultation has been done in a secretive manner. However, the Council has notified all of the neighbours which adjoin the site and also notified all members of the public who commented on the previous application, which was more than is statutorily required. A site notice was also displayed on the pedestrian crossing at the entrance to the site, which was considered to be the most conspicuous place to locate the notice, where there would be the most footfall in and out of the site.

Conclusion

It is considered that the proposals would not cause unacceptable harm to the living conditions of neighbouring dwellings or to the character and appearance of the area. Furthermore, it is considered that this is an appropriate location for a drive-thru restaurant and that the proposals would be acceptable in terms of ecological impact, highway and pedestrian safety, flood risk and impact on the town centre. Therefore, the proposed development should be approved.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 7159-SA-8469-P005 A, 7159-SA-8469-P006 A, COD DT Canopy, McD / 043 /2013 A, MCD / SCH / 1001, and documents "Terrace Equipment", "Fast Electric Charging Points", "Pod Point Datasheets", "Pod Point Installation Guide" and "GPK Kiosks and Enclosures", submitted on 3rd August 2018, drawings Condenser Plans and Elevations, 10551 R5, A1-11667-01 submitted on 7th September 2018, and drawings 7159-SA-8469-P002 E, 7159-SA-8469-P007 E, 7159-SA-8469-P004 G submitted on 21st November 2018 and specification contained therein. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

- 3 The development hereby permitted shall not commence unless and until a detailed surface water drainage scheme for the site, based on the approved FRA *McDonald's Warwick (NB8469)_Glanville_Issue 2_August 2018* 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 details before the development is completed and brought into use. **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, NE2 and BE3 of Warwick District Local Plan 2011 - 2029.
- 4 The development hereby permitted (including any works of demolition) shall not commence unless and until a Construction Method Statement has been submitted to and approved in writing by the local planning authority and the development shall only proceed in strict accordance with the approved details. The statement shall provide for: the anticipated movements of vehicles; the parking and loading/unloading of staff, visitor, and construction vehicles; the loading and unloading of plant and materials; 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; and a HGV routing plan. **REASON:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029.
- 5 The development hereby permitted shall not be brought into use unless and until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority and the approved scheme has been implemented in full in strict accordance with the approved details. **REASON:** In the interests of fire safety.
- 6 The development hereby permitted shall not be brought into use unless and until a detailed maintenance plan giving details on how surface water systems shall be maintained and managed for the life time of the development has been submitted to and approved in writing by the LPA. The name of the party responsible, including contact name and details shall be provided to the LPA within the maintenance plan. The plan shall be implemented and adhered to thereafter. **REASON:** To ensure the future maintenance of the sustainable drainage structures in the interest of policy FW2 of Warwick District Local Plan 2011 - 2029.
- 7 The development hereby permitted shall not be brought into use unless and until a scheme for the upgrade and improvement of the existing pedestrian crossing on the service road has been submitted to and

agreed in writing by the LPA (in association with the Highways Authority) and installed in accordance with the approved details.

REASON: In the interests of pedestrian and highway safety in accordance with Policies TR1 and TR2 of the Warwick District Local Plan 2011-2029.

- 8 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.
- 9 Equipment shall be installed to suppress and disperse smoke, fumes and/or odour produced by cooking and food preparation, and the equipment shall be effectively operated for so long as the use continues. Details of the equipment shall be submitted to, and approved by, the Local Planning Authority and the equipment shall be installed and be in full working order to the satisfaction of the Local Planning Authority prior to the commencement of use. Any mitigation measures shall be retained at all times thereafter and shall not be removed or altered in any way without the prior written approval of the local planning authority. **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.
- 10 The development hereby permitted shall not be brought into use unless and until the approved low emission strategy, Ref 400/4766, dated 15th October 2018, Planware, has been fully implemented. Thereafter it shall be maintained as such. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan.
- 11 Noise arising from the any plant or equipment hereby permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **REASON:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.
- 12 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 strategy 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.

- 13 The development hereby permitted shall not be brought into use unless and until improvements to the existing central splitter island have been carried out in general accordance with drawing number 3117-SK-15, submitted on 26th November 2018 and to the specification of the Local Highway Authority. **REASON:** In the interests of traffic safety in accordance with Policies TR1 and TR2 of the Warwick District Local Plan 2011-2029.
 - 14 The development site shall only be serviced in accordance with the Delivery and Servicing Management Plan, November 2018, prepared by ADL Traffic & Highways Engineering Ltd. **REASON:** In the interests of traffic and pedestrian safety in accordance with Policies TR1 and TR2 of the Warwick District Local Plan 2011-2029.
 - 15 The development hereby permitted shall not be brought into use unless and until improvements to the existing mini-roundabout have been carried out in accordance with drawing number 3117-SK-22A. **REASON:** In the interests of traffic safety in accordance with Policies TR1 and TR2 of the Warwick District Local Plan 2011-2029.
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Application No: [W/18/1756](#)

Town/Parish Council: Warwick

Case Officer: Rebecca Compton

01926 456544 rebecca.compton@warwickdc.gov.uk

Registration Date: 26/09/18

Expiry Date: 21/11/18

Land at Tesco Supermarket, Emscote Road, Warwick

Display of various freestanding signs including 2no. internally illuminated rotating menu boards, 5no. internally illuminated menu boards, 1no. non illuminated directional sign, 1no. non illuminated banner unit and 3no. internally illuminated directional signs. FOR MCDONALD'S RESTAURANTS LTD

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

RECOMMENDATION

Planning Committee is recommended to grant advertisement consent, subject to the 5 standard advertisement consent conditions and those listed at the end of this report.

DETAILS OF THE DEVELOPMENT

The proposal seeks advertisement consent for the display of various internally-illuminated and non-illuminated signage including 2no. internally illuminated rotating menu boards, 5no. internally illuminated menu boards, 1no. non illuminated directional sign, 1no. non-illuminated banner unit and 3no. internally illuminated directional signs.

THE SITE AND ITS LOCATION

The application site is an existing Tesco supermarket with car parking, petrol filling station and car wash situated off the Emscote Road located in the urban area of Warwick. The surrounding uses include residential, a canal to the north and river to the south. The proposed signage will relate a proposed McDonald's restaurant which itself is the subject of a separate planning application.

PLANNING HISTORY

W/17/2268 - Display of various internally-illuminated and non-illuminated signage including 12no. freestanding signs, 1no. side by side directional sign, 1no. banner unit and 22no. dot signs - Refused

RELEVANT POLICIES

- National Planning Policy Framework
- [The Current Local Plan](#)

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)

SUMMARY OF REPRESENTATIONS

Warwick Town Council: Objection due to restriction on signage along Emscote Road.

WCC Highways: No objection.

Public Response: 1 letter of objection has been received with concerns over the impact on wildlife, light pollution and impact on the canal side setting.

ASSESSMENT

The main issues relevant to consideration of this application are:

- Impact on Amenity
- Public Safety

Impact on Local Amenity and 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. Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029 state that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design. Furthermore, development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents and/or does not provide acceptable standards of amenity for future users/occupiers of the development.

Warwick Town Council has raised an objection on grounds of a restriction of signage along Emscote Road. However, there are no policies in place which restrict signage on Emscote Road and each case must be assessed on its merits. In any case, the proposed signage is not to be sited on Emscote Road. The signage is set well into the site boundaries, away from Emscote Road and would not impact the street scene. The signage is considered to be appropriate for the proposed use, and is considered to be of an appropriate size and scale. Therefore, whilst the Town Council's concerns are noted, the development is not considered to be harmful in design terms or to local amenity. The development is therefore considered to be in accordance with Local Plan policies BE1 and BE3.

Public Safety

The Highways Authority have been consulted and have no objection to the proposed signage. No other public safety issues are identified. Therefore, it is considered that the proposed signage would not be harmful to local amenity.

Conclusion

In the opinion of the Local Planning Authority, the proposals would not detract from the amenity of the area and would not be detrimental to public safety. The proposals are therefore considered to comply with the policies listed and is recommended for approval.

CONDITIONS

- 1 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 7159-SA-8469-P008F, 7159-SA-8469-P002D, Directional sign type 2 (see you soon), Directional sign type 2 (welcome), Hero poster board type 13, any lane sign type 19, pre sell boards type 7, 2 bay type 11, McD/038/2016, directional sign type 2 (parking), and specification contained therein, submitted on 13th September 2018 and 26th September 2018. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
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Planning Committee: 11 December 2018

Item Number: **7**

Application No: [W/18/1757](#)

Town/Parish Council: Warwick

Case Officer: Helena Obremski

01926 456531 Helena.Obremski@warwickdc.gov.uk

Registration Date: 13/09/18

Expiry Date: 08/11/18

Land at Tesco Supermarket, Emscote Road, Warwick

Display of 3no. internally illuminated panel signs, 3no. internally illuminated fascia letter signs and 1no. internally illuminated logo sign. FOR MCDONALD'S RESTAURANTS LTD

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

RECOMMENDATION

Planning Committee is recommended to grant advertisement consent, subject to the 5 standard advertisement consent conditions together with those listed at the end of this report.

DETAILS OF THE DEVELOPMENT

The proposal seeks advertisement consent for the display of 3no. internally illuminated panel signs, 3no. internally illuminated fascia letter signs and 1no. internally illuminated logo sign.

THE SITE AND ITS LOCATION

The application site is an existing Tesco supermarket with car parking, petrol filling station and car wash situated off the Emscote Road located in the urban area of Warwick. The surrounding uses include residential, a canal to the north and river to the south. The proposed signage will relate to a proposed McDonald's restaurant which itself is the subject of a separate planning application.

PLANNING HISTORY

There are various previous consents for the display of signage of which the following are considered to be relevant:

W/17/2265 - advertisement consent deferred by Planning Committee and subsequently withdrawn for the display of 7no. internally illuminated fascia signs.

W/17/2266 - advertisement consent granted for the display of 5no. non-illuminated directional signs for click and collect service.

W/17/2267 - advertisement consent refused for the display of 1no. internally illuminated freestanding 6.5m high totem sign, 1no. non-illuminated banner sign, 1no. internally-illuminated directional sign and new appendage to existing totem sign.

W/17/2268 - advertisement consent refused for the display of various internally-illuminated and non-illuminated signage including 12no. freestanding signs, 1no. side by side directional sign, 1no. banner unit and 22no. dot signs.

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)

SUMMARY OF REPRESENTATIONS

Warwick Town Council: Objection, as there been no restaurant approved, the signage is not necessary. There is a restriction on signage along Emscote Road.

WCC Highways: No objection.

Public Response: 2 objections have been received but these are considered to relate to the proposal for the restaurant rather than specifically in relation to the signage proposed as part of this application for advertisement consent.

Assessment

The main issues relevant to consideration of this application are:

- Impact on amenity
- Public safety

Background

A previous application for advertisement consent ref: W/17/2265 was for a similar proposal to the current application. This was presented to Planning Committee as there had been an objection received from the Town Council. Planning Committee concluded that because there were no details at that stage in relation to the proposed restaurant, that the application for the signage should be deferred. The application for the proposed restaurant was later withdrawn due to highway safety and environmental health officer concerns, and therefore the signage application was also withdrawn. A new application has been made for the restaurant (ref: W/18/1489) which seeks to overcome the previous concerns for the restaurant and will be considered alongside this application for advertisement consent.

Impact on amenity

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. Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029 state that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design. Furthermore, development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents and/or does not provide acceptable standards of amenity for future users/occupiers of the development.

Warwick Town Council have raised objection on grounds of a restriction of signage along Emscote Road. However, there are no policies in place which restrict signage on Emscote Road and each case must be assessed on its merits. In any case, the proposed signage is not to be sited on Emscote Road. There may be obscure views of the signage from Emscote Road but the signage would be set well into the site boundaries, away from Emscote Road and not directly impact the street scene.

The signage is considered to be appropriate for the proposed use, and is considered to be of an appropriate size and scale. The signage would not appear out of keeping within this context, i.e. on a drive-thru restaurant next to a large supermarket, which also benefits from internally illuminated signage on a much larger scale than the proposed signage. Therefore, whilst the Town Council's concerns are noted, the development is not considered to be harmful in design terms or to local amenity. The development is therefore considered to be in accordance with Local Plan policies BE1 and BE3.

Public Safety

The Town Council have also raised objection on grounds of highway safety concerns. However, the Highways Authority have been consulted and have no objection to the proposed signage. No other public safety issues are identified. Therefore, it is considered that the proposed signage would not be harmful to public safety.

Other Matters

Members of the public have objected to the application, referencing an increase in traffic and congestion; obesity problems; non-local business paying minimum wage; litter; pollution; not in keeping with the canal conservation area. However, these matters focus on the principle of the restaurant in this location and the associated impacts, rather than the signage proposed as part of this application. These concerns are addressed in the associated planning application ref: W/18/1489. Applications for advertisement consent can only be assessed on amenity and public safety.

Conclusion

It is considered that the proposal would not detract from the amenity of the area and would not be detrimental to public safety. The proposal is therefore considered to comply with the policies listed and is recommended for approval.

CONDITIONS

- 6 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 7159-SA-8469-P002 C, 7159-SA-8469-P009 A, Arch Panel Sign Type 23A, Arch Panel Sign Type 23C, McDonalds / 002 / 2008 Sign 6 and McDonalds / 002 / 2008 Sign 5 and specification contained therein, submitted on 13th September 2018. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
-

Planning Committee: 11 December 2018

Item Number: 8

Application No: [W/18/1758](#)

Town/Parish Council: Warwick

Case Officer: Helena Obremski

01926 456531 Helena.Obremski@warwickdc.gov.uk

Registration Date: 13/09/18

Expiry Date: 08/11/18

Tesco Supermarket, Emscote Road, Warwick

Display of 17no. non-illuminated dot signs FOR McDonald's Restaurants Ltd

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

RECOMMENDATION

Planning Committee is recommended to grant advertisement consent, subject to the 5 standard advertisement consent conditions together with those listed at the end of this report.

DETAILS OF THE DEVELOPMENT

The proposal seeks advertisement consent for the proposed display of 17no. non-illuminated dot signs.

THE SITE AND ITS LOCATION

The application site is an existing Tesco supermarket with car parking, petrol filling station and car wash situated off the Emscote Road located in the urban area of Warwick. The surrounding uses include residential, a canal to the north and river to the south. The proposed signage will relate to a proposed McDonalds restaurant which itself is the subject of a separate planning application.

PLANNING HISTORY

There are various previous consents for the display of signage of which the following are considered to be relevant:

W/17/2265 - advertisement consent deferred by Planning Committee and subsequently withdrawn for the display of 7no. internally illuminated fascia signs.

W/17/2266 - advertisement consent granted for the display of 5no. non-illuminated directional signs for click and collect service

W/17/2267 - advertisement consent refused for the display of 1no. internally illuminated freestanding 6.5m high totem sign, 1no. non-illuminated banner sign, 1no. internally-illuminated directional sign and new appendage to existing totem sign.

W/17/2268 - advertisement consent refused for the display of various internally-illuminated and non-illuminated signage including 12no. freestanding signs, 1no. side by side directional sign, 1no. banner unit and 22no. dot signs.

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)

SUMMARY OF REPRESENTATIONS

Warwick Town Council: Objection, as there has been no restaurant approved, the signage is not necessary. There is a restriction on signage along Emscote Road.

WCC Highways: No objection.

Public Response: 2 objections have been received but these are considered to relate to the proposal for the restaurant rather than specifically in relation to the signage proposed as part of this application for advertisement consent.

Assessment

The main issues relevant to consideration of this application are:

- Impact on Amenity
- Public Safety

Background

The previous application for advertisement consent (ref: W/17/2268) was for a similar proposal to the current application. However, the previous application proposed more signage than the current application, including 22no. dot signage, 12no. freestanding signs, 1no. side by side directional sign and 1no. banner unit, which do not form part of this application. The current application is solely for dot signage and has been reduced from 22no. to 17no. signs. The previous application was refused by Planning Committee contrary to Officer's recommend on the basis that the proposed signage would be seriously injurious to the visual amenities of the area by reason of a proliferation and overuse of signage which would result in visual clutter excess and advertisement excess.

Impact on Local Amenity and 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. Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029 state that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design. Furthermore, development will not be permitted which has an unacceptable adverse impact on

the amenity of nearby uses and residents and/or does not provide acceptable standards of amenity for future users/occupiers of the development.

Warwick Town Council has raised an objection on grounds of a restriction of signage along Emscote Road. However, there are no policies in place which restrict signage on Emscote Road and each case must be assessed on its merits. In any case, the proposed signage would not be positioned along Emscote Road. The signage is set well into the site boundaries, away from Emscote Road and would not impact the street scene. It should be noted that the DOT signage as proposed, such as "no entry/pedestrian crossing/no right turn" signs, have deemed consent, however the agent has decided to apply for consent for completeness.

The development is therefore considered to be in accordance with Local Plan Policies BE1 and BE3.

Public Safety

The Highways Authority has been consulted and has no objection to the proposed signage. No other public safety issues are identified. Therefore, it is considered that the proposed signage would not be harmful to public safety.

Other Matters

Members of the public have objected to the application, referencing an increase in traffic and congestion; obesity problems; non-local business paying minimum wage; litter; pollution; not in keeping with the canal conservation area. Warwick Town Council also reference the fact that the restaurant does not have planning permission. However, these matters focus on the principle of the restaurant in this location and the associated impacts, rather than the specific signage proposed as part of this application. These concerns are addressed in the associated planning application ref: W/18/1489. Applications for advertisement consent can only be assessed on amenity and public safety.

Conclusion

It is considered that the proposals would not detract from the amenity of the area and would not be detrimental to public safety. The proposals are therefore considered to comply with the policies listed and are recommended for approval.

CONDITIONS

- 6 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings Caution Traffic Approaching Signs, 10MPH Disc, and Dot Signage: Accessible Parking Bay, Give Way, No Entry, No Right Turn, Parked Order Bay 1, Parked Order Bay 2, Pedestrian Crossing submitted on 13th September 2018 and drawing 7159-SA-8469-P019 B submitted on 21st November 2018, and specification contained therein,.
REASON: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

Planning Committee: 06 November 2018

Item Number: **9**

Application No: [W/18/1759](#)

Town/Parish Council: Warwick

Case Officer: Rebecca Compton

01926 456544 rebecca.compton@warwickdc.gov.uk

Registration Date: 26/09/18

Expiry Date: 21/11/18

Land at Tesco Supermarket car park, Emscote Road, Warwick, CV34 5QJ

Display of 1no. freestanding internally illuminated 6.5m totem sign, 1no. freestanding internally illuminated directional sign and new appendage to existing totem sign. FOR MCDONALD'S RESTAURANTS LTD

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

RECOMMENDATION

Planning Committee is recommended to grant advertisement consent, subject to the 5 standard advertisement consent conditions together with those listed at the end of this report.

DETAILS OF THE DEVELOPMENT

The proposal seeks advertisement consent for the display of 1no. internally illuminated freestanding 6.5m high totem sign, 1no. internally-illuminated directional sign and new appendage to the existing Tesco totem sign. This is a re-submission of a previously refused application.

THE SITE AND ITS LOCATION

The application site is an existing Tesco supermarket with car parking, petrol filling station and car wash situated off the Emscote Road located in the urban area of Warwick. The surrounding uses include residential, a canal to the north and river to the south. The proposed signage will relate to a proposed McDonald's restaurant which itself is the subject of a separate planning application.

PLANNING HISTORY

W/17/2267 - Display of 1no. internally illuminated freestanding 6.5m high totem sign, 1no. non-illuminated banner sign, 1no. internally-illuminated directional sign and new appendage to existing totem sign - Refused

RELEVANT POLICIES

- National Planning Policy Framework
- [The Current Local Plan](#)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)

- BE3 - Amenity (Warwick District Local Plan 2011-2029)

SUMMARY OF REPRESENTATIONS

Warwick Town Council: Objection due to restriction of signage along Emscote Road.

WCC Highways: No objection.

WCC Ecology: Have concerns over further lighting along the canal.

Public Response: 4 Letters of objection have been received with concerns on the impact on the canalside setting, impact on the character of the area and the restrictions of signage along Emscote Road.

Assessment

The main issues relevant to consideration of this application are:

- Impact on amenity
- Public safety
- Other matters

Impact on Local Amenity and 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. Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029 state that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design. Furthermore, development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents and/or does not provide acceptable standards of amenity for future users/occupiers of the development.

An objection has been raised by Warwick Town Council on grounds of a restriction of signage along Emscote Road. However, there are no policies in place which restrict signage on Emscote Road and each case must be assessed on its merits. In any case, the proposed signage is not to be sited on Emscote Road. The proposed signage would not be positioned along Emscote Road. The existing Tesco totem positioned next to the junction with Emscote Road would be updated, however, this would only be with an additional panel which is similar to the existing signage and would have no material impact on the amenity of the area. There would be one additional directional sign positioned close to the junction with Emscote Road. However, this is set well back from the junction and would also be further away from the main road and would be smaller than the existing Tesco totem. Therefore, it is considered that the signage would have minimal impact on the street scene.

The signage is considered to be of an appropriate size and scale within the context of this large supermarket and associated uses. Therefore, whilst the Town Council's concerns are noted, the development is not considered to be

harmful in design terms or to local amenity. The development is therefore considered to be in accordance with Local Plan Policies BE1 and BE3.

Public Safety

The Town Council have also objected on grounds of highway safety concerns. However, the Highways Authority have been consulted and have no objection to the proposed signage. No other public safety issues are identified. Therefore, it is considered that the proposed signage would not be harmful to public safety.

Other Matters

WCC Ecology had concerns that the illuminated signage may impact on the wildlife corridor next to the canal, which is near to the application site. However, this is not a material consideration in the determination of an application for Advertisement Consent which can only be considered with regard to amenity and public safety.

Conclusion

In the opinion of the Local Planning Authority, the proposals would not detract from the amenity of the area and would not be detrimental to public safety. The proposals are therefore considered to comply with the policies listed.

CONDITIONS

- 1 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 7159-SA-8469-AL02B, 7159-SA-8469-P022F, SIGN TYPE 1A, SIGN TYPE 2, and specification contained therein, submitted on 13th September 2018 and 26th September 2018. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

Planning Committee: 11 December 2018

Item Number: 10

Application No: W 18 / 1630

Town/Parish Council: Bubbenhall
Case Officer: Angela Brockett
01926 456508 angela.brockett@warwickdc.gov.uk

Registration Date: 03/09/18

Expiry Date: 29/10/18

The Cedars, Stoneleigh Road, Bubbenhall, Leamington Spa, CV8 3BT
Erection of 1no. dwellinghouse FOR Mr & Mrs Jones

This application has been requested to be presented to Committee by Councillor Wright.

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

This application is for a large detached dwelling set within the centre of a large garden. It is an individually designed single storey flat roofed dwelling with a two storey feature glazed gable in the centre.

The dwelling is shown to have four bedrooms and two studies (which could also be used as bedrooms). The second storey of the gable feature will comprise bedroom 1, a dressing room/study, ensuite, hallway and separate W.C. The remaining four bedrooms, and second study are on the ground floor together with two further bathrooms, an open plan kitchen/living area, separate lounge area, a gym, plant room, large entrance hall and a two car garage.

The dwelling is designed as an eco-friendly house and includes photo voltaic panels with the remainder of the roof set out as a green roof. There is a large of amount of glazing on the south eastern elevation for passive solar gain and fewer openings in the north which is to be largely faced in wood cladding and stone. The remainder of the dwelling is proposed to be faced in a mixture of render and wall cladding with a standing seam roof. The applicant has confirmed that the dwelling will be constructed with as much sustainable material as possible.

Due to the differences in ground levels, the dwelling will be set into the bank with a low retaining wall projecting above the flat roof parapet. A large part of the garden to the east between the boundaries with Hill Cottage and Mount Pleasant and the new dwelling is proposed to be planted as a natural meadow with additional tree planting to the north and west.

The vehicular access is to be shared with existing dwelling 'The Cedars' and will utilise the existing access which is proposed to be widened to 5m for a distance

of 15m. The drawings also illustrate that visibility splays of 43m will be provided in both directions of the vehicular access. This will require the regrading of the existing embankment to the right (north-east) of the vehicular access, and the removal of the part of existing public highway hedgerow to the left (south-west), including a mature tree. A turning area and hardstanding are proposed to the front of the dwelling.

THE SITE AND ITS LOCATION

The Cedars is located to the west of the village, outside of the built up area and within the open countryside which is designated Green Belt. The application site is to the north-east of The Cedars and is an area of grass used as a paddock measuring 5,686 square metres (approximately 0.6ha). Hill Cottage and Mount Pleasant bound the site to the north east and mark the end of the village boundary as set out in the Local Plan. To the south-east of the site are agricultural fields. The site lies outside the Conservation Area boundary which runs along its front north eastern boundary.

The ground levels of the site are higher than the road and between the site and the road is a steep bank with dense vegetation, hedging and trees which screens the site from public view. There is a single point of access to the west of the site frontage which gives access to both The Cedars and the application site. Public right of way W153 runs along the south-western boundary of The Cedars and continues through the field at the rear of the application site. The site is in Flood Zone 1.

PLANNING HISTORY

W/98/1104 - Construction of 2 additional stables - Granted
W/90/0964 - Residential development - Refused
W/90/1196 - Proposed dwelling - Refused
W/14/1244 - Proposed erection single storey first floor side extension - Withdrawn

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- DS1 - Supporting Prosperity (Warwick District Local Plan 2011-2029)
- DS4 - Spatial Strategy (Warwick District Local Plan 2011-2029)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- DS18 - Green Belt (Warwick District Local Plan 2011-2029)
- DS19 - Review of the Local Plan (Warwick District Local Plan 2011-2029)
- PC0 - Prosperous Communities (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)

- TR4 - Safeguarding for Transport Infrastructure (Warwick Local Plan - 2011-2029)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)
- FW3 - Water Conservation (Warwick District Local Plan 2011-2029)
- Parking Standards (Supplementary Planning Document)
- FW4 - Water Supply (Warwick District Local Plan 2011-2029)
- NE1 - Green Infrastructure (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)
- H15 - Custom and Self-Build Housing Provision (Warwick Local Plan - 2011-2029)
- HE4 - Archaeology (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Parking Standards (Supplementary Planning Document)
- LES - Low Emission Strategy Guidance for Developers (April 2014)
- Neighbourhood Plan
- Baginton & Bubbenhall Neighbourhood Plan 2018-2029

SUMMARY OF REPRESENTATIONS

Bubbenhall Parish Council: Objection, on the following grounds:

- Constitutes inappropriate development in the Green Belt and no very special circumstances have been made.
- Baginton and Bubbenhall Neighbourhood Development Plan housing policies BUB1 and BUB2 - the application is to develop Green Belt land adjacent to the Conservation Area.
- The design concept is to be applauded for eco-friendly values, but the design does not blend in with other properties or with the character of the village.
- The development does not add to the mix of housing available in the village nor meet a housing need. Larger housing is not a priority. It is not an infill plot and will set a precedent.

Ward Councillor Trevor Wright: Supports the application on the basis it is infill development and its design, construction and overall development in terms of future design benchmarks for the county. Makes it clear that his recommendation does not mitigate any of the current policies which will need to be reviewed and considered on their own merit.

WCC Ecology: The report appears to have been carried out in accordance with appropriate methodology. The site has no nature conservation status and there are no records of protected species within the application site. There are records of bats, grass snake and notable butterfly species in the surrounding area. As currently stands the development will result in a loss of biodiversity which is contrary to NPPF. The development has to result in biodiversity gain in accordance with NPPF. This can be achieved through increasing the meadow

area and provision of species habitat enhancements such as bat and bird boxes, hibernaculum, creation of a pond and creation of access gaps for hedgehogs in any new fences. If these measures are followed, the development can result in a biodiversity gain. Recommend a condition to address this. Also recommend conditions relating to badger monitoring, notes regarding bats, nesting birds and lighting to minimise disturbance to wildlife.

WCC Archaeology: The proposed development lies within an area of archaeological potential, adjacent to the possible extent of the medieval settlement at Bubbenhall (Warwickshire Historic Environment Record MWA 9497). Probable earthwork features of possible medieval origin have been recorded within the adjacent field just to the north east of the proposed development site. The site is also located approximately 200 m to the south of the River Avon; water courses have frequently been shown to have been the focus of prehistoric activity, with features such as burnt mounds often being located near them. There is therefore a potential for this site to contain archaeological remains from the prehistoric periods onward. Do not wish to object to the principle of development, but consider that some archaeological work should be required if consent is forthcoming. Recommend a condition requiring a Written Scheme of Investigation for a programme of archaeological evaluation work to be submitted for approval and an Archaeological Mitigation Strategy.

WCC Landscape: The application site sits within the Green Belt but outside the Infill Village boundary. Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. New buildings should be regarded as inappropriate unless there are very special circumstances (para 145) which in this case do not exist. The proposed development would have a negative impact on the openness and permanence of the Green Belt and would have a detrimental effect on the landscape character of the area.

WCC Highways: No objection, subject to conditions.

Public Response:

1 objection has been received on the following grounds:

- The site is agricultural land in the Green Belt,
- It is immediately adjacent the conservation area
- It is planned for the highest part of the field
- Drainage of rain water from the field forms puddles in the gateway of our house and this could increase.

10 letters of support have been received on the following grounds:

- It is a very good idea to build such an innovative, sustainable and eco-friendly dwelling.
- Though it is on the edge of the village boundary it is relatively within acceptable limits, and will have no visual impact on the village or the Green Belt.

- By allowing Mr and Mrs Jones permission to build themselves a new home now their children have grown up it will release their large family home to be occupied by a younger family to be welcomed as part of our community.
- Development blends well with the landscape.
- Like the eco-friendly aspects and the design quality
- It appears to be a very innovative, eco-friendly, sustainable and beautifully designed home which does not cause any problems or have any negative impact on the village or the surrounding countryside.
- Small, independent, self-build projects such as this should always encouraged
- Councils should positively seek opportunities to meet the development needs of their areas'. In determining applications, great weight should be given to outstanding or innovative designs, which help raise the standard of design more generally in the area. This proposal meets these requirements and the local authority should therefore act in a positive way.
- The site in question has to be considered as part of the village composition as it forms a link between existing houses within the village context.
- Development of this site by virtue of its design and setting, being screened from open views and designed to function at reduced levels, will not harm the openness of the Green Belt.
- The proposed house is described as 'eco-friendly' and will therefore have a reduced carbon footprint both in terms of its construction and use. These constitute 'very exceptional circumstances' as described in the NPPF, which outweigh any potential harm to the Green Belt by reason of inappropriateness.
- The proposed house would be a welcome addition to the village. With reduced levels and green roofs and a new flower meadow that will be planted around it, this will add to the local bio-diversity over and above the present low-grade paddock land. The proposal does not conflict with the policies of the NPPF and Warwick District Local Plan policies.
- The Cedars has always been part of the village, there will be no negative effect.
- There is a need for more houses in the village so people can downsize.
- The design is truly outstanding in form and concept.
- It blends with the surrounding landscape with green roofs and wild planted meadow. It is unique and individual.
- It will have a low carbon footprint and be eco friendly.
- It will enhance the village.
- The application site is typical of Arden Pastures, having a well-defined pattern of small fields and paddocks with numerous mature hedgerow oaks. The permanent pasture is grazed by horses and ribbon development fringes the minor rural lane. A single bungalow on the previously developed site, would not cause significant harm to the landscape character of the wider landscape or the openness of the Green Belt.

ASSESSMENT

Principle of Development

Policy DS18 of the Warwick District Local Plan (2011 – 2029) states that the extent of the Green Belt is defined on the Policies Map and that the Council will apply national planning policy to proposals within the Green Belt.

Paragraph 143 of the NPPF makes it clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Paragraph 145 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are: a) buildings for agriculture and forestry; b) 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; c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building; d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces; e) limited infilling in villages; and f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites).

The application proposal is for a single detached dwelling, outside of the limits of the village boundary and is not previously developed land. The site is a large parcel of former paddock land which provides a large gap between the residential curtilage of The Cedars (which itself is within extensive grounds) and the rear of the properties known as Hill Cottage and Mount Pleasant. The frontage of the site is not built up and because of the size of the plot would not constitute the filling in of a small gap within an otherwise built up frontage as defined in the Warwick District Local Plan (2011-2029) and therefore the proposed development cannot be regarded as infill. The proposed development is therefore considered to be inappropriate development in the Green Belt, which would be harmful by definition and by reason of harm to openness.

Whilst the design of the development can be considered to be of some quality as it incorporates sustainable features and eco-friendly construction methods which is fully supported, this is not by itself sufficient to justify inappropriate development in the Green Belt and cannot be regarded as "very special circumstances" as it could quite easily be repeated time and time again across the Green Belt. As such, it is considered that very special circumstances have not been demonstrated and the proposal is contrary to paragraphs 143-145 of the NPPF.

Notwithstanding the Green Belt policy objections, Policy H1 of the Warwick District Local Plan (2011 – 2029) is also relevant as this seeks to ensure that the

direction of growth for new housing is within the urban areas and within the boundaries of Growth Villages and Limited Infill Villages. In the open countryside new housing will only be granted where the site is adjacent to the boundary of the urban area or growth village and there is an identified housing need to which the proposed development can contribute. The proposal must be for a small scale development that will not have a negative impact on the character of the settlement and the capacity of infrastructure and services within the settlement and is within a reasonable safe walking distance of services (such as school and shop) or is within a reasonable safe walking distance of a public transport interchange providing access by public transport to services.

Even if the site did lie within the boundaries of the village, the proposed development would not meet the definition of infill as identified in the Warwick District Local Plan (2011 – 2029) as described above. The development would not be within a reasonable safe walking distance to services and facilities as this would involve walking along an unlit road with no pedestrian footpath. In addition, no evidence of housing need has been put forward to justify the development and the dwelling is not required for a rural worker. The principle of development is therefore contrary to policies H1, H15 and BE1 (k) of the Warwick District Local Plan (2011 – 2029), Policy BUB1 and BUB2 of the Bubbenhall Neighbourhood Development Plan and the NPPF.

Impact on the character and appearance of the area and the setting of the Conservation Area

The application site lies just outside the Conservation Area and forms part of its setting. Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraph 195 states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Policy HE1 of the Warwick District Local Plan seeks to ensure 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.

Policy BE1 D and section 16 of the NPPF seek to ensure that new development does not harm the significance of heritage assets unless this can be outweighed by public benefit. Policy BE1 of the Warwick District Local Plan (2011 – 2029) seeks, among other things, to ensure development respects the existing character and landscape features of area. The character of this area is very much rural in nature and has a very different character to the built up area of

the village. Sporadic development exists along Stoneleigh Road as it peters out into open countryside beyond the built development of the village which is a traditional characteristic of most villages which are surrounded by countryside. As such the proposed development would result in extending the built form of the village up to the south-western boundary of The Cedars as there would be built residential development with no intervening large open space between the current boundary of the village and the far south-western boundary of The Cedars, thereby in effect extending the village further south-west than even the application site. The application site is currently not only outside the development limits of the village but is also outside the residential curtilage of The Cedars. The proposed development would detrimentally alter this character pattern by creating development sprawl along Stoneleigh Road and would close off the large gap between The Cedars and the built up area of the village, thereby extending the built up development of the village into open countryside.

In addition, this rural character will be detrimentally altered by the extent of the proposed access alterations which will involve the cutting back and removal of part of the existing highway hedgerow in order to achieve the required visibility splays. The widening of the access to 5m of its length 5m along will open up the site and the regrading of the bank will create a more urban appearance to this rural area. The site cannot currently be seen from the conservation area. However, opening up the access and regrading the bank will potentially allow glimpsed views of the dwelling. The loss of part of the frontage highway hedge will harm the setting of the conservation area which is characterised by steep banks and mature hedgerows and trees along either side the roadside. The hedge on the south-west boundary visually separates the current access into The Cedars from the existing gravel access leading into the stables on the adjoining land (also in the applicants ownership). In cutting back and removing part of this hedgerow, including a mature tree, the existing access into the stables and the access into the application site will be viewed together rather than separate thereby creating a more urbanised visual appearance to this area of the rural lane which is also the entrance onto the public right of way W153.

Public right of way W153 runs along the south-western boundary of The Cedars between the stable building and this boundary and then runs north east through the field to the rear of the application site. Glimpses of the application site can be seen along this footpath and so any new development on the application site could potentially be viewed from this footpath.

The proposed development would therefore harm the pattern of development and extend the village beyond its boundaries and also harm the character and significance of the conservation area with no public benefit to offset that harm. The proposed development would therefore be contrary to Policies BE1 in particular (a), (c) and (d), and section 16 of the NPPF relating to the setting of heritage assets and policies G1 of the Bubbenhall Neighbourhood Development Plan.

Design of the dwelling

Policy BE1 and the local plan seeks to ensure that new development blends into its setting and satisfies specific development criteria. The design of the dwelling does not reflect the design of other dwellings in the village as it is more contemporary in style. Neither does it particularly reflect, respect and reinforce

local architectural and historical distinctiveness in accordance with BE1 (d). However, this does not necessarily make it an inappropriate design as it will be set into the landscape and sited within a large plot and will not be viewed with other dwellings apart from The Cedars. The sustainable features are to be encouraged and would accord with Policy CC1 of the Warwick District Local Plan (2011 – 2029) which seeks to ensure that development is designed to be resilient to and adapt to the future impacts of climate change through the inclusion of a number of adaptation measures where appropriate. The scale and massing of the dwelling will be in keeping with the size of the plot and the adjacent properties. It is considered that the design of the proposed dwelling will be appropriate in this location and would accord with Policy BE1 (b) and (f).

Impact on Highway safety

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 seeks to ensure that sufficient parking is provided.

A Transport Statement has been submitted in support of the planning application which indicates that the existing vehicular access will be improved. The existing vehicular access is proposed to be widened to 5m in width, for a distance of 15m. The drawings also illustrate that visibility splays of 43m will be provided in both directions of the vehicular access. This will require the regrading of the existing embankment to the right (north-east) of the vehicular access, and the removal of the existing public highway hedgerow to the left (south-west). Notwithstanding the residential amenity objections to the proposed access alterations, there are no objections from the Highway Authority, subject to conditions. In addition there is sufficient car parking to serve the proposed development to satisfy the Council's Parking Standards SPD and so the proposed development would accord with Policies TR1 and TR2 of the Warwick District Local Plan (2011-2029).

Impact on Residential Amenities

Policy BE3 of the local plan and the Residential Design Guide SPD seek to ensure that the amenities of nearby properties are not harmed by development. The orientation and separation distances between the new dwelling and the nearest residential properties at The Cedars, Hill Cottage and Mount Pleasant would not lead to overlooking or loss of privacy or amenity to the occupiers of these properties. The proposed development would therefore accord with Policy BE3 of the Warwick District Local Plan and the Residential Design Guide in terms of separation distances between properties. Sufficient amenity space and living conditions would be provided for future occupiers of the proposed development.

Archaeology

The application site does have the potential for archaeological features to be present as it lies within an area of archaeological potential adjacent to the possible extent of the medieval settlement at Bubbenhall. Earthwork features have been recorded of possible medieval origin in the field to the north east of the proposed development site and the site is approximately 200m to the south of the River Avon which has been shown to have been the focus of pre-historic activity.

The Warwickshire County Council Archaeology department has been consulted and does not wish to object, subject to conditions requiring a Written Scheme of Investigation and appropriate. Subject to the proposed conditions the proposed development would comply with Policy HE1.

Ecology and Biodiversity

Policy NE3 of the Warwick District Local Plan (2011-2029) 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.

Objections were initially received from Warwickshire County Council Ecological Unit on the grounds of the net loss of biodiversity. However, on further calculation the loss was considered to be less than originally suggested and providing the proposed meadow area is increased in size and provision of species habitat enhancements such as bat and bird boxes, hibernacula, creation of a pond and creation of access gaps for hedgehogs in any new fences the proposal would be acceptable. The applicant has agreed to these changes and this could potentially be dealt with by way of a condition should planning permission be granted. Subject to this the application would accord with Policy NE3 of the Warwick District Local Plan.

Other matters

Conditions could be added to any approval granted to ensure the requirements of Policies FW3 and the Low Emissions Strategy are met.

CONCLUSION

The site lies within the Green Belt and outside the development boundaries of Bubbenhall village. Due to the nature of the proposal it is considered to constitute inappropriate development in the Green Belt and no very special circumstances are considered to exist which would justify the development in this location within the Green Belt. The proposed development would detrimentally alter the character and pattern of existing development in the area which is very rural in character with sporadic development which is separated from each other by agricultural land or paddock land due to its location beyond the village boundary. In addition, due to the size of the site, even if the proposal was within the built development limits of the village it would not constitute the filling in of a small gap in an otherwise built up frontage as defined in the Warwick District Local Plan (2011 – 2029). Notwithstanding the Green Belt, the proposal is also contrary to Policy H1.

The design of the dwelling is very contemporary in style and its mix of materials and incorporates eco friendly features which are to be encouraged. However, due to the opening up of the access and the need to regrade the bank in order to achieve the required visibility splays to satisfy the Highway Authority, the development would have a detrimental impact on the visual appearance and rural character of the area and the setting of the conservation area. The development would not accord with Policies BE1 of the Warwick District Local Plan (2011-2029) or the NPPF.

REFUSAL REASONS

- 1 Policy H1 of the Warwick District Local Plan (2011 – 2029) seeks to ensure that the direction of growth for new housing is within the urban areas and within the boundaries of Growth Villages and Limited Infill Villages. In the open countryside new housing will only be granted where the site is adjacent to the boundary of the urban area or growth village and there is an identified housing need to which the proposed development can contribute. The proposal must be for a small scale development that will not have a negative impact on the character of the settlement and the capacity of infrastructure and services within the settlement and is within a reasonable safe walking distance of services (such as school and shop) or is within a reasonable safe walking distance of a public transport interchange providing access by public transport to services.

The proposed development is in the open countryside. The development would not be within a reasonable safe walking distance to services and facilities as this would involve walking along an unlit road with no pedestrian footpath. In addition, no evidence of housing need has been put forward to justify the development and the dwelling is not required for a rural worker. The principle of development is therefore contrary to policies H1, H15 and BE1 (k) of the Warwick District Local Plan (2011 – 2029), Policy BUB1 and BUB2 of the Bubbenhall Neighbourhood Development Plan and the NPPF.

- 2 The application site lies within the Green Belt and outside the development boundaries of Bubbenhall village. As the proposed development is for a single dwelling on a large paddock in the countryside it is considered to be inappropriate development in the Green Belt and does not meet any of the exceptions listed in paragraph 145 of the NPPF.

Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. It is considered that no very special circumstances have been demonstrated to justify this inappropriate development and so the proposal would be contrary to Policy DS18 of the Warwick District Local Plan (2011 - 2019) and section 13 of the NPPF.

The proposal is considered to be harmful by definition and by reason of harm to openness.

- 3 The proposed development would involve widening the existing access, removing mature hedgerow and trees on part of the site frontage and regrading the bank in order to achieve the required vehicular visibility splays. These alterations would detrimentally harm the visual appearance of this part of the lane and the setting of the conservation area which is characterised by a steep bank with mature trees, shrubs and hedgerows which gives the lane its rural character, distinct from the built up area of the village. The proposed development would

therefore be contrary to Policies BE1 and HE1 of the Warwick District Local Plan (2011 - 2029).

Planning Committee: 11 December 2018

Item Number: **11**

Application No: [W 18 / 1646](#)

Town/Parish Council: Warwick

Registration Date: 03/09/18

Case Officer:

Helena Obremski

Expiry Date: 29/10/18

01926 456531 Helena.Obremski@warwickdc.gov.uk

Warwick Hospital, Lakin Road, Warwick, CV34 5BW

Proposed Three Storey Extension to Existing Hospital Building to Provide New Operating Theatre with Fallow Areas For Future Hospital / Clinical Uses, Stair Tower with lift and Associated External Works FOR South Warwickshire NHS Foundation Trust

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

Planning permission is sought for the proposed erection of a three storey extension to the existing hospital to provide a new operating theatre with fallow spaces for medical, clinical, and patient ward areas. This would relocate an existing service, rather than provide an increase in the number of theatres.

The drawings have been amended to ensure that there are no additional windows facing towards residential properties along Wathen Road above the ground floor which are not obscure glazed.

Initially the drawings showed a number of "vacant spaces". This was queried by Officers, and updated drawings showing the theoretical layouts have been provided.

THE SITE AND ITS LOCATION

The application relates to Warwick Hospital which is located to the south of Millers Road and Guys Cross Park Road. Specifically, the application relates to the most south-westerly two and part three storey "nucleus" building which forms part of the main section of the hospital, adjacent to Wathen Road.

PLANNING HISTORY

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

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR2 - Traffic generation (Warwick Local Plan - 2011-2029)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)

Guidance Documents

- Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

Warwick Town Council: Objection withdrawn.

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

WCC Highways: Objection withdrawn following the submission of additional information.

WCC LLFA: Objection withdrawn following the submission of additional information.

Tree Officer: No objection, subject to a condition requiring the works to be carried out in accordance with the details submitted.

Environmental Protection: No objection, subject to conditions.

Public Responses: 8 Objections in respect of: loss of light, loss of privacy, overlooking, impact on / loss of trees, impact of construction works (noise, dust), access to the site and traffic generation, impact on bats, proximity of buildings to neighbouring properties, increase in air pollution, loss of sky, detrimental effect on health, parking, depreciation of property value.

ASSESSMENT

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

- Impact on the Character and Appearance of the Area
- Impact on Neighbouring Residential Amenity
- Environmental Health
- Ecology and Impact on Trees
- Parking and Highway Safety
- Drainage
- Health and Wellbeing
- Other Matters

Impact on the Character and Appearance of the Area

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 proposed development will be constructed from matching materials to those of the existing building and would be set back well from the main highway, and public vantage points. From the street scene, the ridge line will continue from the existing building and join with the gable end of the three storey section which would face at a 90 degree angle from the street scene.

The proposed development would have a minimal impact on the street scene. It is recognised that the scale of development is significant, however, the proposed extension is not considered to appear out of keeping when set against the existing two and three storey hospital building. A condition will be attached for the use of matching materials to those of the existing building to ensure an appropriate form of development.

The development is therefore considered to be acceptable in design terms and is not considered to be harmful to the street scene. The proposal is considered to be in accordance with the NPPF and Local Plan policy BE1.

Impact on Neighbouring Amenity

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

development. There is a responsibility for development not to cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion. The Residential Design Guide provides a framework for policy BE3, which stipulates the minimum requirements for distance separation between properties and that extensions should not breach a 45 degree line taken from a window of nearest front or rear facing habitable room of a neighbouring property.

There have been objections from the residents of the properties closest to the proposed development along Wathen Road who consider that the development would result in a loss of light and privacy and increased levels of overlooking. They have concerns regarding the proximity of the proposed buildings to neighbouring properties and impact which this could have on levels of amenity.

At the closest points, the proposed extension would be 27 metres from the rear of the neighbouring dwellings, and at a greater distance for the majority of properties to which the extension would run parallel to. The Council has no minimum distance separation guidance between residential and non-residential buildings, however, it is relevant to note that the Council's recently updated residential design guidance identifies appropriate separation distances between the rear of 2 storey residential buildings and the side or front/rear of a 3 storey residential building as being 16 metres and 27 metres respectively.

It is considered that in view of the extent of the separation between the buildings concerned and the absence of any proposed non-obscure windows above ground floor level, the proposed development would not have an impact through either overlooking or loss of privacy and/or loss of outlook to an extent sufficient to warrant the refusal of the application. The additional windows at first and second floor are labelled as obscure glazed on the drawings, however, to ensure the protection of neighbouring residential amenity, a condition is proposed to ensure that they are permanently obscurely glazed.

There would be no conflict with the Council's adopted 45 degree guidance as a result of the proposed development.

Neighbours have also raised concerns about the impact of construction works such as noise and dust on living conditions and the potential loss of sky. However, the construction works would be temporary, and not controlled through planning legislation other than by means of the requirement for a Construction Management Plan in appropriate circumstances. The loss of sky is not in itself considered to represent a material planning consideration and as detailed above, the impact on outlook is considered to be acceptable.

The proposal is therefore considered to have an acceptable impact on neighbouring residential amenity, and is considered to be in accordance with the NPPF and Local Plan policy BE3.

Environmental Health

Environmental Protection have been consulted regarding the application. They note that the site is located in an area of potential contamination from historic hospital activities. They recommend that the developer ensures a watching brief

is maintained throughout the development and the inclusion of a condition to ensure that if any contamination is found, a report must be provided to the Local Authority.

Furthermore, Environmental Protection also recommend conditions requiring the provision of a construction management plan and limiting external plant noise to protect neighbouring residential amenity. These conditions are considered to be reasonable and are included in the recommendation.

Ecology and Impact on Trees

Neighbouring properties have raised concerns in relation to the impact on and loss of trees, and the impact of the proposed works on bats.

WCC Ecology have assessed the application and the Preliminary Ecological Appraisal which was provided. Following the receipt of further survey information they agree with the recommendations in the report that the development should be carried out under the supervision of a qualified bat worker and a condition is proposed to secure this.

WCC Ecology also request the inclusion of notes in relation to nesting birds and hedgehogs and that the development is carried out in accordance with the Tree Protection Plan.

The Council's Tree Consultant has been consulted regarding the proposed development and has no objection, subject to a condition requiring that the works are carried out in accordance with the Tree Protection Plan provided.

Subject to conditions and notes it is considered that the proposed development would not have a harmful impact on protected species or trees and that therefore the development is in accordance with the NPPF and Local Plan policy NE2.

Parking and Highway Safety

Neighbours have expressed concerns regarding the access to the site and traffic generation and impact on parking provision.

WCC Highways initially objected to the proposed development owing to a lack of information regarding the purpose of the proposed extension. Following the provision of additional information and plans, WCC Highways have withdrawn their objection, noting that the proposed extension will accommodate existing services currently provided at the hospital, that will be re-located within the extension. As the services are already existing, it is not anticipated that the proposals will increase the number of visitors to the site. The car parking spaces that will be lost as part of the development proposals are for staff parking, which will be reallocated to off site car parks.

Therefore, as the development will not increase parking demand and will accommodate the lost parking spaces elsewhere, the proposal is considered to provide adequate parking arrangements. Furthermore, the existing access to the

site will not be compromised and an access road will be maintained to the rear of the site.

The proposed development is therefore not considered to have any harmful impact on highway safety and provides adequate parking in accordance with the NPPF and Local Plan policies TR1 and TR3.

Drainage

Whilst the site lies within Flood Zone 1, there is a private culvert which runs alongside the application site. WCC Local Lead Flood Authority (LLFA) and the EA were consulted as a precautionary measure. WCC LLFA objected to the proposed development and requested additional information. This has been provided by the applicant and assessed by WCC LLFA who have no objection to the proposed development.

The development is therefore considered to be in accordance with the NPPF and Local Plan policy FW2.

Health and Wellbeing

The proposal is considered to improve local health and wellbeing facilities. There have been objections from members of the public that the proposed development would have a detrimental effect on health, however, the proposed development is considered to improve health facilities. The impact on neighbouring residential amenity is considered above.

Other Matters

There have been other objections from members of the public in relation to the proposed development and associated increase in air pollution and depreciation of property values. As detailed above, there would not be a net increase in the parking requirement for the site, and therefore it is not considered that the development would increase levels of pollution. The depreciation of property values is not a material planning consideration and cannot be assessed as part of this application.

Conclusion

The proposed development is considered to have an acceptable impact on the street scene and neighbouring residential amenity. The development would not have a detrimental impact on highway safety, parking, ecology or trees sufficient to warrant the refusal of the application. The development is therefore considered to be acceptable.

CONDITIONS

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

- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings Site-Layout -05 Rev A, Grd Floor-Plan - 06, 1st Floor-Plan - 07 and Roof-plan-09 submitted on 28th August 2018 and drawing Elevations-08 Rev A submitted on 25th September 2018, and specification contained therein. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 The development hereby permitted (including any works of demolition) shall not commence unless and until a construction method statement has been submitted to and approved in writing by the local planning authority and the development shall only proceed in strict accordance with the approved details. The statement shall provide for: any temporary measures required to manage traffic during construction, plans and details for the turning and unloading and loading of vehicles within the site during construction, dust suppression, noise and vibration, demolition or clearance works, details of wheel washing, site working hours and delivery times, restrictions on burning and details of all temporary contractors buildings, plant and storage of materials associated with the development process. All works of demolition or construction shall be carried out in strict accordance with the approved construction management plan. **REASON**: In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029.
- 4 The development hereby permitted shall be undertaken in the presence of a qualified bat worker appointed by the applicant to supervise all destructive works to the roof of the building. All roofing material is to be removed carefully by hand. Appropriate precautions must be taken in case bats are found, such as the erection of at least one bat box on a suitable tree or building. Should evidence of bats be found during this operation, then work must cease immediately while Natural England and WCC Ecological Services are consulted for further advice. Any subsequent recommendations or remedial works will be implemented within the timescales agreed between the bat worker and the Local Authority Ecologist/Natural England. Notwithstanding any requirement for remedial work or otherwise, the qualified bat worker's report shall be submitted to the local planning authority within 1 month following completion of the supervised works to summarise the findings. **REASON**: To ensure that protected species are not harmed by the development in accordance with policy NE2 of the Warwick District Local Plan 2011 - 2029.
- 5 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON**: To ensure that the visual amenities of the area are

protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029.

- 6 Prior to the occupation of the development hereby permitted, the first and second floor windows in the west elevation shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed window(s) shall be retained and maintained in that condition at all times. **REASON:** To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029.
- 7 No development or other operations (including demolition, site clearance or other preparatory works) shall commence unless the tree protection measures identified in the Arboricultural Impact Assessment from RPS reference JMK 10143 dated July 2018 submitted to the Local Authority on 3rd September 2018 have been put into place in full accordance with the approved details and thereafter shall remain in place for the full duration of any such construction work. In addition no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **REASON:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.
- 8 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 strategy 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.
- 9 Noise arising from any plant or equipment, when measured one metre from the facade of any noise sensitive premises, shall not exceed the

background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **REASON:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

Planning Committee: 11 December 2018

Item Number: 12

Application No: [W 18 / 1735](#)

Town/Parish Council: Barford

Case Officer: Liz Galloway

01926 456528 Liz.galloway@warwickdc.gov.uk

Registration Date: 26/09/18

Expiry Date: 21/11/18

6 Gaskell Way, Barford, CV35 8EU

Erection of a two storey and single storey rear extension. FOR Mr Yazdianpour

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

RECOMMENDATION

Planning Committee is recommended to grant planning permission subject to the conditions listed.

DETAILS OF THE DEVELOPMENT

This application is for the erection of a predominantly two storey rear extension.

THE SITE AND ITS LOCATION

The application property is a detached dwelling located on the east side of Gaskell Way. The area contains a mix of newly constructed red brick and rendered two storey houses and bungalows.

PLANNING HISTORY

Other than the planning permission granted for the wider development of which the application property forms part (W/14/0693), there is no relevant planning history.

RELEVANT POLICIES

- National Planning Policy Framework
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- The Barford Neighbourhood Plan
- Barford Village Design Statement (September 2009)

- Residential Design Guide (Supplementary Planning Guidance - May 2018)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- Vehicle Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

Barford Sherbourne & Wasperton Joint Parish Council: Objects on the grounds of overshadowing, adverse visual impact and overbearing nature by virtue of the proposal having a 100% increase in its plan area.

1 Public Response (5 Gaskell Way): Consider that the use of a render finish would both minimise the loss of light and enhance the appearance.

1 Public Response (32 Wellesbourne Road): Object on the grounds of the proposal not being in keeping in terms of size and design and the resulting stress on village infrastructure.

WCC Ecology: Recommend Bat Survey and protected species notes.

ASSESSMENT

Design, Scale and Impact on the Street Scene

While the proposals are fairly deep to the rear, they are subservient to the house, being set down from the existing roof height and, as amended, stepped in at the side to create the single storey element. The extensions are not considered harmful to the property overall, and are not considered to be overdevelopment, having taken into account the Parish Council objection and other public responses, especially as amended. The adopted Residential Design Guide does not give specific guidance on restrictions of depths or building lines to the rear and it is, therefore, considered that a refusal on the grounds of overdevelopment could not be sustained on appeal.

Furthermore, a private rear amenity area will remain (125 sq m) significantly in excess of that required by the adopted Residential Design Guide (60 sq m).

The extensions whilst partially visible from the street scene, are not considered to cause any adverse visual harm to Gaskell Way.

Impact on Neighbour Amenity

There will be no breaches of the 45 degree angle arising from the proposals, and the proposed extensions are not considered to be overbearing or cause a loss of light to the neighbour adjacent at No. 5 Gaskell Way. As part of the consideration of the application, following discussion with the applicant, an amended drawing has been submitted to reduce part of the two storey extension adjacent to this neighbour's ground floor side facing kitchen window, to a single storey.

With regard to the relationship to 32 Wellesbourne Road, the required separation distance of 22 metres (between the rear of No. 32 Wellesbourne Road and the rear of the two storey element) is exceeded as there is a separation of 30 metres. Therefore it is considered that the two storey extension will not be directly overbearing or cause a direct loss of light to No. 32 Wellesbourne Road.

The relationship to no. 7 Gaskell Way is such that the proposals are not considered to materially impact on that property.

There will be no overlooking of adjacent residential properties arising from the proposal as there are no first floor windows proposed to the side elevations of the proposed extension.

Ecology

WCC Ecology have commented on this application and requested a bat survey. However, it is nevertheless considered that a cautionary bat, bird, amphibian and reptile note would be appropriate and that this application in its present form is acceptable and complies with Warwick District Local Plan Policy NE2.

Parking

It is considered that there is sufficient off-street parking to the side of the property and that the proposed development would comply with Warwick District Council Local Plan Policy TR3 and the Council's adopted Vehicle Parking Standards.

SUMMARY/CONCLUSION

The proposed extensions are considered to be suitable in design and scale for the main property overall, and not overly impact upon the street scene. Furthermore, they are not considered to cause material harm to the surrounding neighbours.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 400_01 - Rev C, 400_02 - Rev C, 400_03 - Rev C, and specification contained therein, submitted on 29th October, 2018.
REASON : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

- 3 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029.
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Planning Committee: 11 December 2018

Item Number: **13**

Application No: [W 18 / 1817](#)

Town/Parish Council: Leamington Spa

Case Officer: Dan Charles

01926 456527 dan.charles@warwickdc.gov.uk

Registration Date: 10/10/18

Expiry Date: 05/12/18

Riverside House, Milverton Hill, Leamington Spa, CV32 5HZ

Full planning application for the temporary change of use of the existing surface car park at weekends, from a private car park to a public car park at Riverside House, Milverton Hill, Leamington Spa, Warwick FOR PSP Warwick LLP

This application is being presented to Committee because the proposal relates to Warwick District Council owned Land.

RECOMMENDATION

Planning Committee are recommended to GRANT planning permission, subject to the conditions listed at the end of this report and a Section 106 Agreement to secure the necessary financial contributions/obligations towards the improvement of pedestrian crossings and provision of directional signage as identified in the report.

Should a satisfactory Section 106 Agreement not have been completed by 31 January 2019, Planning Committee are recommended to delegate authority to the Head of Development Services to REFUSE planning permission on the grounds that the proposal makes inadequate provision in respect of the issues the subject of that agreement.

DETAILS OF THE DEVELOPMENT

This application seeks the change of use of the existing Riverside House car park from ancillary staff parking to a public car park at weekends for a period of 18 months to coincide with the closure of the Covent Garden car park as part of the displacement strategy to mitigate for the loss of the town centre parking availability.

No physical alterations are required to facilitate this development.

THE SITE AND ITS LOCATION

The application relates to the site of the existing Warwick District Council offices. The site is situated within a predominantly residential area to the west of Leamington Town Centre. The site is bounded by Milverton Hill to the north, with the rear elevations of dwellings in Church Hill and the front elevation of a house in Portland Place West facing the site from the opposite side of that street. To the

east the site is bounded by a terrace of Grade II listed buildings in Portland Place West (in residential use) and the Adelaide Road car park and adjacent club premises. The Riverside Walk and associated woodland alongside the River Leam adjoins the site to the south. A further public footpath runs along the western boundary of the site, and on the opposite side of this are the flats in Milverton Court and a house in Wilhelmina Close.

The car park is ancillary to the existing office building which is situated in the north-western quadrant of the site, fronting onto Milverton Hill. This ranges between 2 and 4 storeys in height. There are two vehicular accesses into the site from Milverton Hill and a further access from the Adelaide Road car park.

The southern part of the site is situated within Flood Zones 2 and 3, which cover between a third and half of the site. A culverted watercourse runs under the existing car park, from Milverton Hill down to the River Leam. There are a large number of trees on the site.

The south-eastern corner of the site is situated within the Leamington Spa Conservation Area. This takes in a triangular section of the site that measures approximately 20m x 30m x 35m. The conservation area boundary then runs along the northern, eastern and southern boundaries of the site, such that much of the rest of the site immediately abuts the conservation area.

Victoria Park is situated to the south of the site, on the opposite side of the River Leam. This forms part of a Grade II Registered Park and Garden (Spa Gardens). The boundary of the Registered Park and Garden runs along the northern bank of the river, which is approximately 25m to the south of the site.

PLANNING HISTORY

W/18/1701 - Outline planning application including access and landscape, with all other matters reserved, for the demolition of Riverside House and the redevelopment of the site to provide new buildings ranging from 2.5 to 6 storeys for up to 170 residential dwellings (use class C3) – **GRANTED 17.04.2018.**

There have also been a number of previous planning applications relating to the application site, mostly for minor developments associated with the offices. However, none of these are relevant to the consideration of the current proposal.

RELEVANT POLICIES

- National Planning Policy Framework
- DS1 - Supporting Prosperity (Warwick District Local Plan 2011-2029)
- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029)
- DS4 - Spatial Strategy (Warwick District Local Plan 2011-2029)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- PC0 - Prosperous Communities (Warwick District Local Plan 2011-2029)

- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR2 - Traffic generation (Warwick Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029)
- HS6 - Creating Healthy Communities (Warwick District Local Plan 2011-2029)
- HS7 - Crime Prevention (Warwick District Local Plan 2011-2029)
- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)
- FW3 - Water Conservation (Warwick District Local Plan 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)
- Vehicle Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: No objection.

WDC Conservation: No comments to make.

WDC Environmental Health: No objection.

WCC Ecology: No objection.

WCC Highways: Request contributions towards improved pedestrian crossings and signage.

Public Response: 1 letter of objection received making the following comments;

- Provision of parking is not fit for purpose.
- Likely to put additional pressure on nearby on-street parking.
- Will increase traffic at weekends.
- Disruption and noise will be felt by local residents.
- Site access and vision splays are insufficient.
- No footpath at access.
- Site is poorly designed and in need of maintenance.
- Does not detail the location, style and positioning of any proposed signage.

- Will increase crime, which is already notable within the local area including vandalism, theft from vehicles and theft of vehicles.
- Increase in noise emissions affecting local residents.
- No assessment of increased risk of air pollution due to increase in traffic.
- Will give rise to increased light pollution.
- Site at risk of flooding and there is no plan to mitigate damage to property or risk to life.
- No consideration on the effects on ecology.

ASSESSMENT

Design

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. 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 forms part of the wider car parking displacement strategy to mitigate for the loss of parking spaces during redevelopment works of the existing Covent Garden multi-storey car park. The current use of the site is for staff and visitor car parking ancillary to the existing operation of Riverside House by Warwick District Council.

Currently, the car park is only available to staff and visitors to Riverside House during the week and is not used at weekends. The proposal would result in the car park being available for public parking at weekends for a temporary period of 18 months only.

The proposal does not require any alteration to the existing layout in terms of hard and soft landscaping and the existing parking spaces will be utilised across the site. This would provide approximately 246 car parking spaces for weekend use.

In design terms, the car park would operate in a similar manner to the existing use of the car park during the week and the function and appearance would be of vehicles parking and associated entry and exit of the site utilising the existing access and egress points.

Overall, Officers are satisfied that the proposal would not raise any significant concerns in terms of the design of the proposal.

Impact on visual amenity and the character of surrounding area

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

The visual amenity would remain as per the existing situation during the week where the site is used for car parking. There would be some change in character on the basis that the current car park is not used at weekends. By opening the car park at the weekend, this would result in vehicle parking where previously the car park has been historically empty, save for Council owned vehicles.

Visually, the site is predominantly screened from the public highway by the substantial brick boundary wall that runs along Milverton Hill with the existing vehicular and pedestrian access points affording views into the site. Throughout the site, landscaped areas break up the parking bays and these will be retained which provide further visual screening.

Officers consider that the visual amenity and character of the area would not be substantially harmed by using the land for car parking at weekends for a period of 18 months.

Impact on the character and setting of Heritage Assets including the adjacent Royal Leamington Spa Conservation Area and nearby Listed Buildings

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

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

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

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

A rear corner of the site is situated within the Leamington Spa Conservation Area. Perhaps more importantly, much of the remainder of the site adjoins the

boundary of the conservation area and therefore any development on the site has the potential to impact on the setting of the conservation area. There are other significant heritage assets close to the site, including the Grade II listed terrace to the east and the Grade II Registered Park and Garden (Spa Gardens) to the south.

The car park is currently used Monday to Friday for purposes ancillary to the office use of the building. The proposal would seek to increase the use of the car park to weekend use as well but for public use rather than a purpose ancillary to the office use (in this case, staff and visitor car parking). In considering this aspect, Officers consider that whilst the development will introduce car parking at weekends where currently the site is unused, there would be no material difference in terms of the impact on Heritage Assets as no physical works are proposed.

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.

Officers note that the use of the site at weekends would introduce vehicle movements that are not currently associated with the site in its current form. This has been assessed by the Environmental Protection Officer who has raised no objection to the scheme in terms of noise disturbance, land contamination or air pollution as a result of the development.

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.

There are no changes proposed to the access points as part of this scheme and the separate in/out arrangement will be maintained for the weekend operation of the car park.

The Highway Authority previously provided advice to Warwick District Council with regards to the development proposals for the residential development of the site. In this response, the principle of the proposals were considered to be acceptable however, further information regarding pedestrian movements was requested, which could require improvements to existing pedestrian crossings within the vicinity of the application site.

As part of the current planning application, the County Highways Officer has considered the content of the letter prepared by Peter Brett Associates (PBA) that indicates that the car park will be available for public use at weekends (07:00-19:00) during the 18-month construction period of the proposed Covent

Garden development. In this letter, PBA indicate that temporary signage is proposed to indicate the optimum pedestrian route to the town centre however, details of the proposed signage have not been provided.

The Highway Authority has raised concerns that the proposed pedestrian route does not take account of the route pedestrians could take along Portland Place West, across Dale Street (A452) onto Portland Place East, to access the south of the town centre which includes shops, restaurants and a cinema. In this direction, uncontrolled pedestrian crossings are currently provided however, the Highway Authority would require the crossings to be upgraded to take account of the likely increase in pedestrian movements along this route, as a result of the development proposals.

The Highway Authority would also require pedestrian directional signage to be provided along an agreed route from the application site, to the town centre via the existing Regent Street / Dale Street signalised junction.

Subject to a section 106 agreement securing contributions to a scheme of works to upgrade the existing crossing facilities together with appropriate signage, the proposal is considered acceptable in highway safety terms.

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 development utilises the same layout and no alterations to any trees or landscaped areas is necessary to bring the use into operation. The proposed development relates solely to the use of the car park area and weekends and does not result in any change to the existing situation with regards to any features that may affect protected species.

Other Matters

Trees/Hedgerows

The development utilises the same layout and no alterations to any trees or landscaped areas is necessary to bring the use into operation and does not result in any change to the existing situation with regards to existing trees or hedgerows.

Conclusion

The proposal will facilitate the provision of an additional 246 car parking spaces for public use at weekends without resulting in any significant harm to the visual amenity and the character of surrounding area, the impact on the character and setting of Heritage Assets including the adjacent Royal Leamington Spa Conservation Area and nearby Listed Buildings, the impact on adjacent

properties, the impact on highway safety and the impact on ecology/trees and hedgerows.

Subject to the completion of a Section 106 Agreement and the imposition of conditions regarding to the temporary use and to secure pedestrian improvements, no objection is raised to the proposal and it is therefore recommended by Officers that planning permission is granted.

CONDITIONS

- 1 The temporary change of use of the existing surface car park for public parking shall operate only at weekends and bank holidays for a period of 24 Months from 1st March 2019. Thereafter, the use of the car park for public parking shall cease and the land shall revert to ancillary parking to the existing office use only. **REASON:** To define the terms of the planning permission and to ensure that the parking provision does not prejudice the implementation of the approved planning permission granted under W/17/1701.
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Planning Committee: 11 December 2018

Item Number: **14**

Application No: [W 18 / 1846](#)

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

Registration Date: 25/09/18
Expiry Date: 20/11/18

01926 456531 Helena.Obremski@warwickdc.gov.uk

Victoria Park Car Park, Princes Drive, Leamington Spa

Proposed improvements and extension to Victoria Park car park and change of use of Victoria Park Lodge garden to provide improved and extended car parking as part of the Leamington Spa car park displacement programme, including new lighting, CCTV, pay machine and additional parking spaces. FOR Warwick District Council

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The application seeks planning permission for improvements to and extension of an existing municipal car park, including the installation of lighting, CCTV and parking metres. The application would result in a change of use of part of Victoria Park and garden land currently serving Victoria Lodge which would extend the current car park.

The application form states that the existing car park contains 64 spaces and the proposed layout would accommodate 94 spaces. A new asphalt surface would be laid.

Lighting is proposed in the car park and along an existing pathway which runs along the north of the park to provide security for people using the car park to access the town centre. The lighting scheme has been amended to 4 metre lighting columns within the car parking area, and low level bollards within the main part of Victoria Park.

The proposal has also been amended to remove the proposed bund which was to separate the car park and Victoria Park which is replaced with an extension to the existing hedgerow, which was considered to be more appropriate. The existing hedgerow between the garden serving Victoria Lodge and the car park will now be retained, but reduced in height. There would be some loss of

hedgerow to the west boundary of the existing garden serving Victoria Lodge, however a detailed landscaping scheme is proposed to offset any such loss and increase planting and biodiversity.

It should be noted that the formalisation and resurfacing of the existing car park, along with the installation of the parking meters does not require planning permission.

The extended car park is intended provide additional parking capacity to meet the needs of users and potential users of the car park in the short and long-term. The extension of the car park will provide additional parking capacity for visitors to Victoria Park and Leamington town centre whilst the lighting enhancements will improve the usability of the park and car park by providing an illuminated walking route through the park from one side of the park to the other.

THE SITE AND ITS LOCATION

The application site relates to an existing formal parking area and part of Victoria Park, a Grade II Registered Historic Park situated within the Royal Leamington Spa Conservation Area. The site also includes part of the garden serving Victoria Lodge.

Victoria Lodge, whilst currently vacant and formerly in residential use is not intended to be brought back into any such use.

RELEVANT PLANNING HISTORY

There is no relevant planning history relating to this site.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

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

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: Objection:

- insufficient information provided regarding flood risk;
- loss of green space from the Grade II listed park which would detract from the character of this valuable townscape.

Councillor Naimo: Comments that the addition of cycle racks are improvements. Councillor Naimo is in favour of lighting through the park for cyclists - as long as that is through the central path in the park, not alongside the river as it could affect wildlife. Councillor Naimo expresses concern regarding the lack of clarity on the introduction of parking charges.

Councillor Knight: Supports the comments made by Councillor Naimo.

Councillor Gifford: Objection, the proposal is contrary to Local Plan policy HS2 as no equivalent open space is provided. There is no case made for the lack of need for the lost open space. There is no evidence presented that this proposal would benefit Victoria Park and its users. Councillor Gifford raises concerns regarding the impact on the residential property in terms of loss of amenity space and extension of the car park.

Historic England: No objection.

Warwickshire Gardens Trust: Objection, concern regarding loss of trees and impact of proposed lighting, particularly along the northern perimeter which is an alien concept in the park. Concern regarding intended users of car park and impact on access to Victoria Park.

WCC Highways: No objection.

WCC LLFA: No objection, subject to conditions.

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

Tree Officer: No objection.

Public Responses: 18 Objections:

- difference in layout in the lighting and tree reports;
- removal of garden from Victoria Lodge would harm the setting of the building and reduce the value of the building;
- loss of public open space;
- impact on the character and appearance of the area;
- proposed lighting is harmful;
- detrimental impact on trees;
- grass bund is incongruous in this setting;
- the addition of 20-30 spaces will not help towards the Council's displacement strategy & will be used by rail commuters;
- introducing parking fees could put people off using Victoria Park;
- increase in pollution;

- the parking is required for the relocation of the Council offices which is not supported;
- the proposal does not support the health and wellbeing of local residents;
- procedural concerns;
- there is no evidence that the additional parking is required;
- the location and purpose of the car park would create a harmful social dynamic;
- cycle storage is welcomed.

ASSESSMENT

The main considerations in assessing this application are as follows:

- Principle of the Development
- Design
- Impact on Heritage Assets
- Impact on Residential Amenity
- Parking and Highway Safety
- Ecological Impact and Trees
- Drainage
- Health and Wellbeing
- Other Matters

Principle of the Development

With regard to the principle of the development proposed, there are 2 aspects to be considered, as follows:-

Loss of Public Open Space

Concern has been expressed regarding the loss of public open space arising from this proposal.

Local Plan policy HS2 states that development on, or the change of use of open spaces and sport and recreation facilities will not be permitted unless:

- a) an alternative can be provided which is at least equivalent in terms of size, quality, accessibility, usefulness and attractiveness, and a management plan is submitted to ensure the future viability of the provision, or
- b) there is a robust assessment demonstrating a lack of need for the asset currently or in the future.

The proposed development would result in the loss of a small area of public open space within Victoria Park, representing a loss of 0.45% of the park.

However, considerable investment in the Park in the order of £200,000 is coming forward to provide upgraded play facilities in 2019 which will improve those facilities and increase the attractiveness of the Park to potential users. The improvements and additions to the car park the subject of this application will improve accessibility and support those improvements thereby increasing the likelihood of increased footfall within, and use of the park in a manner which

might reasonably be considered to outweigh any potential impacts arising from the loss of the small area of open space on the margins of the park.

Furthermore, the lighting and CCTV would also increase public security for year round use of the park, thus again encouraging increased use of the park.

The proposal also allows for the opportunity to improve landscaping between the car park and the open space of the park itself which is considered to enhance this area of the park and increase its attractiveness to visitors.

With regard to the planning balance, whilst there would be a very small loss of public open space, improvements to the park are proposed which are considered to offset that loss. The development and associated improvements would also assist in enabling the greater use of the improved park and facilities by visitors by reason of the increased number of car parking spaces and public safety benefits, along with the enhanced landscaping at the edge of the park.

Local Plan policy HS2 seeks to protect public open spaces so that visitors can enjoy the benefits from sport and recreation. The proposed development would contribute to increased benefits to public health and wellbeing through increased capacity for parking adjacent to the park and potentially therefore increased the use of the park itself. Therefore, on balance, the proposal is considered to meet the wider aims of Local Plan policy HS2 and is not considered to cause harm.

Loss of Garden Land Serving Victoria Lodge

Members of the public have raised concerns regarding the loss of garden land, querying why the garden land is "surplus to requirements" according to the Planning Statement. There are no local or national planning policies which specifically restrict the principle of the potential change of use of garden land as in the circumstances here. Therefore, subject to the proposal meeting other relevant Local Plan policies which are assessed below, there is no objection in principle to the proposed change of use of garden land serving Victoria Lodge.

Design

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

There have been objections that the proposal would be harmful to the character of the area.

Currently, the car park is visible from within the park itself whilst the Park Lodge garden is bounded by hedging and fencing.

Whilst extending the car park itself, this proposal offers the opportunity to introduce additional hedging and further planting so as to enhance the visual amenities of the park and ensure that views of the car park area itself are reduced. Whilst the proposal includes enclosing a small area of the existing park immediately adjacent to the Park Lodge garden and edge of the Park, it is considered that the appropriate use of a detailed landscaping scheme will improve the views within this part of the park and enhance its appearance.

The associated infrastructure within the car park such as lighting columns and parking metres are not considered to appear out of keeping or harmful within this context. The design of the proposed lighting within the park itself has been amended to sensitively considered bollard lighting, which would not be visually intrusive.

The existing hedgerow along the existing boundary between the garden serving Victoria Lodge and the car park will be retained (although reduced in height). This is considered to soften the proposed hard surfacing and the proposed hedgerow along the rear of the car park will also provide additional soft landscaping.

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

Impact on Heritage Assets

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

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

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

protected, maintained and restored. The Plan aims to protect them from development that would harm their character.

There have been a number of objections to the proposal owing to the perceived detrimental impact on the setting of the adjacent Registered Park and Garden which is Grade II listed and the wider Conservation Area.

Historic England (Registered Parks and Gardens) have been consulted and have no objection to the proposal advising that advice is taken from the Council's Conservation officer.

The Conservation Officer has commented on the application and requested that the lighting columns were reduced in height and that bollard lighting only was used in the park. Revised drawings have been provided which reflect these amendments. The Conservation Officer has requested that additional details of the landscaping are provided.

It is recognised that the development would result in the loss of a small part of a Registered Park and Garden, which might be considered to be marginally harmful to the Park and Garden itself and the Conservation Area. However, any such harm identified is considered to be less than substantial particularly when considering the extent of the current park area which is affected; its location towards the edge of the park; and the additional visual benefits which are proposed to offset that loss. Nevertheless, in accordance with Local Plan policy HE1 and the NPPF, it is necessary to consider whether there would be any further public benefits which would outweigh any such harm.

The increased capacity of the car park, as previously stated would allow increased numbers of visitors to enjoy the Park, and the proposed lighting and CCTV would increase security for members of the public. Improvements to the lighting scheme will support the year round use of the Princes Drive car park. The proposed scheme will facilitate evening use of the footpath that adjoins the Princes Drive car park with Archery Road during the autumn/winter months and will extend the hours of use of the footpath for park users by providing a walking route that is illuminated with ambient light.

Furthermore, the proposal also includes the inclusion of 8no. cycle parking stands which would allow visitors wishing to travel to the park by bike to safely secure their bikes.

Importantly, it is considered that the harm identified is mitigated as identified by the Conservation Officer by a high quality landscaping scheme. Views of the existing car park from the park are not particularly high quality or sensitive to the site context, with no formal separation between the park and car park, other than the hedgerows serving Victoria Lodge. The proposal would extend the existing high hedgerow to the northern boundary of the site and provide further landscaping thus improving views from the park towards the car park and road junction behind.

It is therefore considered that whilst there may be marginal less than substantial harm to the Registered Park and Garden from the loss of a small area of park,

this is mitigated and overcome through improvements to the visual amenity and setting of the park including a high quality landscaping scheme. It is considered that any harm identified is outweighed by the significant public benefits derived from the scheme, including increased visitor access to the park, improvements to public safety and usability of the park along with the visual benefits of the proposal.

The development is therefore considered to be in accordance with Local Plan policies HE1 and HE2, and the NPPF.

Impact on Neighbouring Residential Amenity

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

Whilst the proposed development would result in the reduction of the size of the garden serving Victoria Lodge and there would however still be ample outdoor private amenity space associated with that building, it is not proposed that the property be brought back into use for residential purposes.

There are no other nearby residential properties which would be impacted as a result of the proposed development.

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

Parking and Highway Safety

WCC Highways have assessed the application and have no objection to the proposal. WCC Highways also have no concerns regarding the parking spaces or layout. The proposal is therefore not considered to cause harm to highway safety.

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

Ecological Impact and Trees

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

WCC Ecology have assessed the application and requested a number of conditions which are included. WCC Ecology welcome the use of bollards within the park, and have requested amended lighting details which have been provided.

The proposal would result in the loss of an area of hedgerow, however further hedge planting and landscaping is proposed.

The Council's Tree Consultant has confirmed that subject to the development being carried out in accordance with the details provided, he has no objection to the proposed development. A condition is attached to ensure this.

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

Drainage

There have been objections from the Town Council that insufficient information is provided regarding flood risk.

The application site is located within Flood Zone 2, and the development includes the installation of a large area of hardstanding. Drainage channels are proposed in order to deal with any additional surface water run-off as a result of the increase in hardstanding.

The Local Lead Flood Authority have been consulted on the proposal and initially objected to the development on the basis of a lack of information. This has been submitted by the applicant and WCC LLFA now have no objection to the proposal, subject to conditions which are included and the development is therefore considered to be in accordance with Local Plan policy FW1 and FW2.

Health and Wellbeing

Objectors have stated that the proposal does not support the health and wellbeing of local residents. However, the proposed extension of the car park is likely to increase the opportunities for people to be able to visit the park, along with providing cycle racks which promote greener, healthier transport options. Therefore, it is considered that the proposal would have health and wellbeing benefits.

Other Matters

Queries have been raised regarding discrepancies between the drawings. However, these have been checked and all correspond with each other.

Concern has been raised regarding the loss of garden from Victoria Lodge, which is considered to harm the setting of the building and reduce the value of the building. As detailed above, the proposal is not considered to cause harm to Victoria Lodge. Any change in value of Victoria Lodge is not a material planning consideration and cannot be assessed as part of this application.

Queries have been raised regarding procedural concerns, the wording of the submitted documents and requests have been made to amend the documents. However, officers have reviewed the documents in question and are satisfied that no further information or clarification is required.

Conclusion

The proposed car park improvements are considered to be acceptable in principle and would not have a harmful impact on the street scene, Conservation Area, or Registered Park and Garden to any extent that would warrant the refusal of the application, The proposal would provide increased security to an existing car park and provide additional parking for a range of potential users.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 006-PE-00-BG-DR-C-0502 Rev P01 (drainage details ONLY) submitted on 25th September 2018, and drawings 006-PE-00-BG-DR-C-0102 Rev P04 and 006-PE-00-BG-DR-C-0109 Rev P02, submitted on 26th November 2018 and specification contained therein. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 The development hereby permitted shall not commence unless and until a hard and soft landscaping scheme has been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.

- 4 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. 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 native hedgerow and provision of habitat for protected and notable species (including location, number and type of bat and bird boxes, location of log piles). Such approved measures shall thereafter be implemented in full. **REASON:** To ensure a net biodiversity gain in accordance with NPPF and in the interests of the protection of endangered species in accordance with Policy NE2 of the Warwick District Local Plan 2011 - 2029.
- 5 The development hereby permitted shall not commence until details of all external light fittings and external light columns have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON:** To ensure the protection of endangered species in accordance with the NPPF and policy NE2 of the Warwick District Local Plan 2011 - 2029.
- 6 No development and subsequent use of the development shall take place until plans and details showing the allowance for exceedance flow and overland flow routing has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. Any overland flow routing should look to reduce the impact of an exceedance event and surface water flooding. The approved details shall be implemented and maintained thereafter at all times. **REASON:** To prevent the increased risk of surface water flooding and overland flow routes in accordance with policy FW2 of the Warwick District Local Plan 2011 - 2029.
- 7 No occupation and subsequent use of the development shall take place until a detailed maintenance plan is submitted to the LPA providing details on how surface water systems shall be maintained and managed for the life time of the development. The name of the party responsible for maintaining and managing the surface water systems, including their contact details shall be provided to the LPA within the maintenance plan. The approved plan shall be implemented and maintained thereafter at all times. **REASON:** To ensure the future maintenance of the sustainable drainage structures in accordance with policy FW2 of the Warwick District Local Plan 2011 - 2029.
- 8 The development hereby permitted, including site clearance work, shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the District Planning Authority. In discharging this condition the LPA expect to see details concerning pollution control measures during construction works. The agreed Construction and Environmental Management Plan shall

thereafter be implemented in full. **REASON:** To ensure protection of important habitats during development in accordance with Policy NE2 of Warwick District Local Plan 2011 - 2029.

- 9 No development or other operations (including demolition, site clearance or other preparatory works) shall commence unless the tree protection measures identified (in relation to the development at Victoria Park only) in the approved document, Victoria Park and Archery Road Car Parks Arboricultural Impact Assessment and Method Statement, submitted on 25th September 2018, have been put into place in full accordance with the approved details and thereafter shall remain in place for the full duration of any such construction work. In addition no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **REASON:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.
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