

Planning Committee

Tuesday 25 February 2014

A meeting of the above Committee will be held at the Town Hall, Royal Leamington Spa on Tuesday 25 February 2014 at 6.00pm.

Councillor Rhead (Chairman)
Councillor MacKay (Vice Chairman)
Councillor Boad
Councillor Doody
Councillor Brookes
Councillor Weber
Councillor Mrs Bunker
Councillor Wilkinson
Councillor Ms De-Lara-Bond
Councillor Williams

Agenda

Part A – General

1. **Emergency Procedure**

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

*2. **Substitutes**

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.

*3. **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.

***4. Site Visits**

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

***5. Minutes**

To confirm the minutes of the meeting held on 4 February 2014. **(Item 5/Page 1)**

Part B – Planning Applications

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

- *6. **W13/1807 – 92 Rouncil Lane, Kenilworth** (Item 6/Page 1)
- *7. **W13/1491 – Land at Five Ways Road, Shrewley** (Item 7/Page 1)
- *8. **W13/1763 – Land to the rear of Holly Walk, Baginton** (Item 8/Page 1)
**** This is a Major Application ****
- *9. **W14/0011 – 12 West Street, Warwick** (Item 9/Page 1)
- *10. **W14/0040 – 33-35 Abbey End, Kenilworth** (Item 10/Page 1)
- *11. **W14/0035 – Land at Vine Lane, Warwick** (Item 11/Page 1)
- *12. **W14/0080 – 2 Westham Lane, Barford** (Item 12/Page 1)
- *13. **W14/1688 – Land to South of Mallory Road, Bishops Tachbrook** (Item 13/Page 1)
****This is a major application****
- *14. **W13/1775 – 61 Common Lane, Kenilworth** (Item 14/Page 1)
- *15. **W13/1699 – 374 Cromwell Lane, Burton Green** (Item 15/Page 1)

(*Denotes those items upon which decisions will be made under delegated powers, as previously granted by Council).

Part C – Other matters

None.

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 being put before the Committee. If you wish to do so, please call 01926 412656 (Monday to Thursday 8:00am to 7:00pm, Friday 8:00am to 6:00pm and Saturday 9:00am to 1pm) 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 via telephone.

Published Monday 17 February 2014

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

Telephone: 01926 412656

Facsimile: 01926 456121

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) 412656 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) 412656

PLANNING COMMITTEE

Minutes of the meeting held on Tuesday 4 February 2014 in the Town Hall, Royal Leamington Spa at 6.00 pm.

PRESENT: Councillor Rhead (Chairman); Councillors Boad, Brookes, Mrs Bunker, De-Lara-Bond, Doody, MacKay, Weber, Wilkinson and Williams.

There were no apologies.

145. **SUBSTITUTES**

There were no substitutes.

146. **DECLARATIONS OF INTEREST**

Minute Number 149 – Agenda Item 11 – Regent Court, Livery Street, Royal Leamington Spa

Councillor Weber declared an interest because the application site was located in his Ward and because he had attended a meeting with residents, officers and developers.

Minute Number 151 – Agenda Item 6 – W13/1682 – Garages, 1-40 Bourton Drive, Whitnash

The Committee as a whole declared an interest because the application site was owned by Warwick District Council.

147. **SITE VISITS**

No site visits were undertaken prior to this meeting.

148. **MINUTES**

The minutes of the meetings held on 26 November 2013 and 14 January 2014 were agreed and signed by the Chairman as a correct record.

149. **W13/1578 – REGENT COURT, LIVERY STREET, ROYAL LEAMINGTON SPA**

The Committee considered a major application from New River Retail for change of use of ground floor retail units (Use Class A1) to cafes / restaurants (Use Class A3) (known as units SU1C, SU2A, SU3A, SU3B, SU4, SU5, SU6, SU7A, SU7B, SU8, SU12); shop front alterations; public realm works; and alterations to highway land at the Regent Street entrance.

The application was presented to the Committee because a number of objections had been received.

The officer considered the following policies to be relevant:

PLANNING COMMITTEE MINUTES (Continued)

DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
TCP13 - Design of Shopfronts (Warwick District Local Plan 1996 - 2011)
Design Advice on Shopfronts & Advertisements in Royal Leamington Spa (Supplementary Planning Guidance).
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
TCP5 - Secondary Retail Areas (Warwick District Local Plan 1996 - 2011)
DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
Vehicle Parking Standards (Supplementary Planning Document)
Sustainable Buildings (Supplementary Planning Document - December 2008)
National Planning Policy Framework

It was the officer's opinion that the proposals would result in the positive enhancement of the vitality and viability of the town centre relative to the current scenario, particularly in respect of Regent Court, and would be of benefit to the character and appearance of the Conservation Area and to the setting of adjacent Listed Buildings. The proposals were considered to be acceptable in terms of the living conditions of nearby dwellings and were not considered to be likely to have a material impact in relation to crime and anti-social behaviour. Therefore, it was recommended that the application be approved.

An addendum circulated at the meeting informed the Committee of further comments received following publication of the agenda. It also clarified why a renewals condition had been recommended for the proposal and contained a revision to suggested condition 6 to cover external dining facilities.

Mr Barnwell addressed the Committee in objection to the application and also put forward the objections of a residents committee. Mr Writon spoke in support of the application.

Following consideration of the report and presentation, along with the representations made at the meeting and the information contained within the addendum, it was proposed and seconded that the application be granted in accordance with the officer's recommendations. This motion was lost, with 3 votes in favour and 5 against.

A second proposal, to grant the application in accordance with the officer's recommendations, including the revision to condition 6 detailed in the addendum and with an amendment to condition 11 requiring that canopies had enclosed sides, was carried. The Committee also resolved that any applications for external seating and eating should be presented to this Committee.

PLANNING COMMITTEE MINUTES (Continued)

RESOLVED that W13/1578 be GRANTED 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 details shown on the site location plan and approved drawing(s) 301B, 302A, 303A, 304B, 307A & 309A, and specification contained therein, submitted on 17 January 2014. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1, DP2 and DAP8 of the Warwick District Local Plan 1996-2011;
- (3) the development hereby permitted shall be carried out only in full accordance with sample details of the facing and surfacing materials which shall have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policies DP1 and DAP8 of the Warwick District Local Plan 1996-2011;
- (4) no development shall be carried out on the site which is the subject of this permission until further details of the box planters, tree pots, litter bins, public art, canopies and seating have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011;
- (5) no customers shall be permitted to be on the premises other than between 0730 and 2330 hours on any day. **REASON:** To ensure that the premises are not used at a time which would be likely to cause nuisance or disturbance to nearby residents in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;

PLANNING COMMITTEE MINUTES (Continued)

- (6) no external seating shall be provided in association with any of the restaurants hereby permitted. **REASON:** To protect the living conditions of nearby dwellings, in accordance with Policies DP2 and DP9 of the Warwick District Local Plan;
- (7) no deliveries, waste collections or other noisy activities likely to cause nuisance to nearby residents shall take place before 0700 hours or after 2130 hours on Monday to Saturday or before 0900 hours or after 1800 hours on Sundays. **REASON:** To ensure that noisy activities do not take place at a time which would be likely to cause nuisance or disturbance to nearby residents in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;
- (8) noise arising from any plant or equipment, when measured one metre from the façade 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 Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;
- (9) no restaurant / cafe hereby permitted shall be occupied unless:
- (a) a noise assessment has been undertaken to assess the impact of noise arising from any plant, fume extraction, air conditioning or refrigeration equipment that is required to serve that unit;
 - (b) a noise assessment has been undertaken to assess the suitability of the existing sound insulation in the ceiling of that unit to ensure that internal noise levels within adjoining or nearby residential premises comply with the criteria outlined in BS8233:1999 and World Health Organisation guidelines;
 - (c) the results of the noise assessments carried out to comply with criteria (a) and (b),

PLANNING COMMITTEE MINUTES (Continued)

together with details of any necessary mitigation measures, have been submitted to and approved in writing by the local planning authority; and

(d) any necessary mitigation measures approved under (c) have been implemented in full accordance with the approved details.

The 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 ensure that the premises are not used in a manner prejudicial to or likely to cause nuisance or disturbance to the occupiers of nearby properties in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;

(10) no restaurant / cafe hereby permitted shall be occupied unless:

(a) an odour assessment has been undertaken to assess the impact of odour arising from cooking and any proposed fume extraction system that is required to serve that unit;

(b) the results of the odour assessments carried out to comply with criterion (a), together with details of any necessary mitigation measures, have been submitted to and approved in writing by the local planning authority; and

(c) any necessary mitigation measures approved under (b) have been implemented in full accordance with the approved details.

The 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 ensure that the premises are not used in a manner prejudicial to or likely to cause nuisance to the occupiers of nearby properties in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;

(11) no restaurant / cafe hereby permitted shall be occupied unless:

(a) details of an acoustically absorbent canopy have been submitted to and approved in

PLANNING COMMITTEE MINUTES (Continued)

writing by the local planning authority; and
(b) the canopy approved under (a) has been installed in strict accordance with the approved details.

The canopy shall have enclosed sides and be retained and maintained in accordance with the approved details at all times that the premises are used as a restaurant / cafe.

REASON: To protect the living conditions of nearby dwellings, in accordance with Policies DP2 and DP9 of the Warwick District Local Plan;

- (12) none of the restaurants / cafes hereby permitted shall be occupied unless and until an Operational Management Plan addressing noise, manned security, CCTV, drainage and the management of external dining furniture has been submitted to and approved in writing by the local planning authority. All of the restaurants / cafes hereby permitted shall be operated in strict accordance with this Plan.
REASON: To protect the living conditions of neighbouring dwellings and to prevent crime and anti-social behaviour, in accordance with Policies DP2, DP9 and DP14 of the Warwick District Local Plan;

- (13) no restaurant / cafe hereby permitted shall be occupied unless:

(a) details of a refuse storage area for that unit have been submitted to and approved in writing by the local planning authority; and
(b) the refuse storage area approved under (a) has been constructed and laid out in strict accordance with the approved details.

The refuse storage area shall thereafter be kept free of obstruction and be available at all times for the storage of refuse associated with the development.

REASON: To ensure the satisfactory provision of refuse storage facilities in the interests of amenity and the satisfactory development of the site in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011;

- (14) no more than two of the restaurant / cafes hereby permitted shall be occupied unless:

PLANNING COMMITTEE MINUTES (Continued)

- (a) a CCTV scheme for Livery Street has been submitted to and approved in writing by the local planning authority; and
- (b) the CCTV scheme approved under (a) has been implemented in strict accordance with the approved details.

REASON: In the interests of reducing crime and anti-social behaviour, in accordance with Policy DP14 of the Warwick District Local Plan 1996-2011;

- (15) no restaurant / cafe hereby permitted shall be occupied unless:

- (a) a scheme showing how 10% of the predicted energy requirement of that unit will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority; and
- (b) all the works within the scheme approved under (a) have been completed.

Thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable.

REASON: To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011; and

- (16) no lighting or illumination of any part of any buildings or the site shall be installed or operated unless and until details of such measures shall have been submitted to and approved in writing by the local planning authority and such works, and use of that lighting and/or illumination, shall be carried out and operated only in full 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 in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

PLANNING COMMITTEE MINUTES (Continued)

(Councillor De-Lara-Bond joined the meeting during the course of this item, but was not present for the officer's presentation or public representations and therefore did not take part in the debate or voting on this item.)

150. W13/1781 – WARWICK CASTLE, CASTLE HILL, WARWICK

The Committee considered an application from Merlin Attractions Operations Ltd for the proposed use of land as a temporary medieval glamorous camping site for approximately 5 months between 17th May and 1st September at Foxes Study, Warwick Castle.

The application was presented to the Committee because a number of objections had been received.

The officer considered the following policies to be relevant:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)

DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)

DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)

National Planning Policy Framework

DAP2 - Protecting the Areas of Restraint (Warwick District Local Plan 1996 - 2011)

DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)

DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)

DAP11 - Protecting Historic Parks and Gardens (Warwick District Local Plan 1996 - 2011)

It was the officer's opinion that the proposals would preserve and respect the historic landscape and character of the area. The camp site would encourage visitors to explore further into the designed landscape, which it could be argued would increase public appreciation and thus the value of the site. Evidence from a similar event that took place in 2013 showed that 30% of visitors staying in the tents used restaurants in the town centre, creating economic benefits for the wider local area. The economic implications of the proposal were considered to add further significant weight to the case for approval. Subject to the recommended conditions, the proposals would comply with Policies DP2 and DP9, which sought to protect the amenities of adjoining occupiers, and prevent unacceptable noise pollution. The application was considered to comply with the policies listed.

An addendum circulated at the meeting advised the Committee that the applicant had requested the period applied for to be extended by one week to 9 September 2014, with restoration of the site to take place before 9 October, which reflected the additional costs associated with the de-compaction process requested by the Council. It also stated that a plan had been provided showing the location of the generator and fuel store, which was to the satisfaction of the Tree Preservation Order Officer and therefore suggested that Condition 4 was no longer required.

PLANNING COMMITTEE MINUTES (Continued)

A Noise Management Plan and General Noise Policy had also been submitted to the Environmental Health Officer, who was content with the proposals and so suggested condition 3 had been amended.

The addendum stated that a letter of support from Shakespeare's England and a consultation response from the Warwickshire Gardens Trust had been received.

Following consideration of the report, presentation and addendum, the Committee resolved that the application be granted in accordance with the officer's recommendations, as per the revisions set out in the addendum, making it clear that this was a temporary permission for one year only, to be reviewed by all parties thereafter.

RESOLVED that W13/1781 be GRANTED subject to the following conditions:

- (1) the use hereby permitted shall be discontinued on or before 9th September 2014 and the site restored to its former condition on or before 9th October 2014 by the infilling of excavated trenches and soakaways, and decompaction of the pitches using 'Terralift' methodology followed by reseeded using an indigenous grass seed mix. A copy of the Terralift completion certificate produced by the decompaction company shall be submitted to the local planning authority by 2nd December 2014. **REASON:** In order that the local planning authority have the opportunity of reviewing the impact of this development on the amenities of occupants of other properties in the vicinity in the light of experience of its operation in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011, and to protect existing trees in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) (1, 2, 3, 5, 6, Tent Specifications) and specification contained therein, submitted on 20 December 2013. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011; and
- (3) the noise management plan submitted on 28 January 2014 shall be complied with in full at all times following the commencement of the development hereby permitted. **REASON:** To

PLANNING COMMITTEE MINUTES (Continued)

minimise noisy activities in the interests of protecting the amenities of surrounding residential uses, in accordance with Policies DP2 and DP9 of the Warwick District Local Plan 1996-2011.

151. W13/1682 – GARAGES, 1-40 BOURTON DRIVE, WHITNASH

The Committee considered an application from Ms J Crowther for the demolition of garages and construction of 5 new dwellings (3 no. 2 storey houses and 2 no. bungalows) with associated access, parking and landscaping.

The application was presented to the Committee because the garage court was owned by Warwick District Council.

The officer considered the following policies to be relevant:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)
SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
Open Space (Supplementary Planning Document - June 2009)
Sustainable Buildings (Supplementary Planning Document - December 2008)
Residential Design Guide (Supplementary Planning Guidance - April 2008)
Vehicle Parking Standards (Supplementary Planning Document)
National Planning Policy Framework

An addendum circulated at the meeting advised the Committee of the contents of two letters of representation received by the Council following publication of the agenda.

It was the officer's opinion that the proposed development was of an acceptable layout and design, which respected surrounding buildings in terms of scale, height, form and massing and would not adversely affect the amenity of nearby residents or highway safety. The proposal was therefore considered to comply with the policies listed.

Following consideration of the report, presentation and addendum, the Committee resolved that the application be granted.

PLANNING COMMITTEE MINUTES (Continued)

RESOLVED that W13/1682 be GRANTED 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 details shown on the site location plan and approved drawing(s) 5217/03 B, 5217/04 and specification contained therein, submitted on 02/12/13 and 08/01/14. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy SC13 of the Warwick District Local Plan 1996-2011:
 - (i) no development shall commence unless or until a scheme for such provision or improvement (identifying the size/extent, location and specification of the space and works) has been submitted to and approved in writing by the Local Planning Authority; and
 - (ii) the dwellings hereby permitted shall not be occupied until the scheme so approved has been implemented.

REASON: To ensure the necessary infrastructure and facilities are provided in accordance with Policy SC13 of the Warwick District Plan 1996 – 2011;
- (4) the development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be

PLANNING COMMITTEE MINUTES (Continued)

maintained strictly in accordance with manufacturers specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;

- (5) the development hereby permitted shall not be commenced 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. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority. **REASON:** In the interests of fire safety;
- (6) the development hereby permitted shall be carried out in strict accordance with the details of surface and foul water drainage works that 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 DP11 of the Warwick District Local Plan 1996-2011;
- (7) 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 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 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 dwellinghouses 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.

PLANNING COMMITTEE MINUTES (Continued)

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 DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011;

- (8) notwithstanding approved plan No.5217/04 no development shall commence unless and until details for chimneys have been submitted to an approved in writing by the Local Planning Authority. Development shall be carried out in full 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 DP1 of the Warwick District Local Plan 1996-2011;
- (9) the development shall be carried out only in full accordance with sample details of the elevational and roofing materials, which have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011;
- (10) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) no windows or openings, including dormer windows and/or roof lights shall be formed in the north facing roof slope of Plot 1 or the south or west elevation/roof slope of Plot 5 hereby approved without the written approval of the local planning authority and if any additional windows are subsequently

PLANNING COMMITTEE MINUTES (Continued)

approved they shall only be glazed or re-glazed in accordance with such approved details and any opening part of any window shall be at least 1.7m above the floor of any room in which the window is installed. **REASON:** In the interests of the amenities of the occupiers of nearby properties in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011;

- (11) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) the bathroom and living room window(s) to be formed in the north facing elevation of the bungalow identified as Plot 1 hereby permitted shall only be glazed or re-glazed with obscure glass and any opening part of any window shall be at least 1.7m above the floor of any room in which the window is installed. **REASON:** In the interests of the amenities of the occupiers of nearby properties in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011;
- (12) notwithstanding the approved plan Drg No.5217/03 B the close boarded fence located to the northern boundary and adjacent to Plot 1 shall be 2m high. **REASON:** In the interests of the amenities and privacy of the occupiers of nearby properties in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011; and
- (13) the development shall not be occupied unless and until the car parking, associated manoeuvring areas and bin store indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **REASON:** To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual amenity in accordance with Policies DP1, DP2 & DP8 of the Warwick District Local Plan 1996-2011.

PLANNING COMMITTEE MINUTES (Continued)

152. W04/2251 – SOUTH WEST WARWICK DEVELOPMENT, LAND ADJACENT NARROW HALL MEADOW, WARWICK

The Committee considered an application from Taylor Woodrow Developments Ltd for the variation of a Section 106 Agreement relating to construction of a 'local centre'.

The application was presented to the Committee because it was recommended that an existing legal agreement relating to the approved application be varied.

The officer considered the following policies to be relevant:

SC14 – Community Facilities (Warwick District Local Plan 1996 - 2011)
National Planning Policy Framework

It was the officer's opinion that the proposed change to the Section 106 Agreement was acceptable and that this approach would comply with the requirements of the NPPF paragraph 205.

The Legal Officer informed the Committee that Planning Officers had clarified how figures for maintenance had been arrived at.

Following consideration of the report and presentation, the Committee resolved that the application to vary the Section 106 Agreement be approved.

RESOLVED to vary the Section 106 agreement in respect of W04/2251 to allow the community centre maintenance sum of £97,739 to be used for the construction of the community centre.

153. W13/1745 – CHAPEL HAVEN, NARROW LANE, LOWSONFORD, SOLIHULL

The Committee considered a partly retrospective application from Mr & Mrs Carlile for works to repair and stabilise the brook bank (following erosion caused by flooding) and to protect the bank and property from future erosion when the brook is in flood.

The application was presented to the Committee because an objection had been received from Rowington Parish Council.

The officer considered the following policies to be relevant:

DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)

DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

National Planning Policy Framework (NPPF)

It was the officer's opinion that the development would not adversely impact on flood risk, harm the visual amenity of the area, the amenities of

PLANNING COMMITTEE MINUTES (Continued)

neighbouring properties, or result in unacceptable ecological harm. The development was therefore considered to comply with the policies listed.

Following consideration of the report and presentation, the Committee resolved that the application be granted in accordance with the officer's recommendations.

RESOLVED that W13/1745 be GRANTED 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, approved drawings and documents (4290-50, 4290-142-A, 4290-51 Rev. B, Flood Risk Assessment for Haskers Architects Ltd 'Bank Stabilisation Works at Chapel Haven, Lowsonford' Ref: FRA/0001 Job Number 71655-00), and specification contained therein, submitted on 13 December 2013. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (2) within three calendar months from the date of this permission, a habitat and biodiversity improvement scheme shall be submitted to and approved in writing by the Local Planning Authority and such scheme shall then be implemented in its entirety within two calendar months of such approval, and be retained as such at all times. The scheme shall include measures to improve the habitat and biodiversity of the Fox Brook, in accordance with the Environment Agency letter dated 17 January 2014. **REASON:** To compensate for the harm caused to the habitat and biodiversity of the Local Wildlife Site and Ecosite, in accordance with Warwick District Local Plan Policies DP3 and DAP3 and the National Planning Policy Framework; and
- (3) within four calendar months from the date of this permission, the following works shall both be implemented:
 1. A total of 14 cubic metres of soil will be removed and relocated as a bund at the locations and levels specified on Hasker Architects Drawing 4920-50, 'Soil Removal Plan', Dated: 10/2013, to compensate against the loss of flood storage as a result of the erosion protection works/ gabions.

PLANNING COMMITTEE MINUTES (Continued)

2. An area of 18 square metres will be excavated to an average bank depth of 0.31m at the location and levels specified on Hasker Architects Drawing 4920-51 Rev B, 'Compensatory Measures for installation of gabions', Dated: 10/2013, which will provide an excavation volume of approximately 5.58 cubic metres.

REASON: To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided and to reduce the risk of flooding to the proposed development and future occupants, in accordance with the National Planning Policy Framework.

154. **W13/1744 – THE WILLOWS, THE CUMSEY, PINLEY GREEN, WARWICK**

The Committee considered an application from Mr L Dalton for widening of the existing access, and replacement and relocation of existing entrance gates.

The application was presented to the Committee because an objection had been received from Rowington Parish Council.

The officer considered the following policies to be relevant:

DP6 - Access (Warwick District Local Plan 1996 - 2011)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
National Planning Policy Framework

It was the officer's opinion that the proposal would not harm highway safety or the visual amenity of the surrounding area, and would comply with the policies listed.

Following consideration of the report and presentation, the Committee resolved that the application be granted in accordance with the officer's recommendations.

RESOLVED that W13/1744 be GRANTED 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

PLANNING COMMITTEE MINUTES (Continued)

carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) (13-07/PA/02), and specification contained therein, submitted on 13 December 2013. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

- (3) the existing access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a bound material for a 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 Warwick District Local Plan Policy DP6;
- (4) the access to the site shall not be widened in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway. **REASON:** In the interests of highway safety, in accordance with Warwick District Local Plan Policy DP6; and
- (5) gates erected at the entrance to the site for vehicles shall not be hung so as to open to within 7.5 metres of the near edge of the public highway carriageway. **REASON:** In the interests of highway safety, in accordance with Warwick District Local Plan Policy DP6.

(The meeting ended at 7.25 pm)

Planning Committee: 25 February 2014

Item Number: 6

Application No: W 13 / 1807

Town/Parish Council: Kenilworth

Registration Date: 31/12/13

Case Officer: Emma Spandley

Expiry Date: 25/02/14

01926 456533 emma.spandley@warwickdc.gov.uk

92 Rouncil Lane, Kenilworth, CV8 1FQ

Erection of an outbuilding to be used ancillary to the main house FOR Mr N Peppit

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

RECOMMENDATION

Planning Committee are recommended to grant planning permission, subject to conditions.

DETAILS OF THE DEVELOPMENT

Planning permission is sought for the erection of detached outbuilding in the rear garden of No.92 Rouncil Lane.

THE SITE AND ITS LOCATION

The application site relates to the rear garden of No.92 Rouncil Lane. The proposed detached outbuilding will be located adjacent to the shared boundaries with No. 8 Beachwood Croft to the rear and No.94 and No.90 Rouncil Lane on either side.

No.8 Beachwood Croft, to the rear is set at a higher level, approximately 0.5 metres, than the rear gardens of the properties located in Rouncil Lane.

There is an existing hedge which indicates the boundary between No.8 Beachwood Croft, to the rear, and the application property. There is also a 1.8 metre high timber fence between No.8 Beachwood Croft and the application property. The rear gardens of the application property and No.8 Beachwood Croft are at an angle, such that the separation between the proposed building and the boundary varies along the length of that boundary. The height of the proposed out building closest to the shared boundary with No.8 Beachwood Croft will be 2.7 metres. However, due to the differing site levels, only the uppermost 0.2 metres of the proposed outbuilding will be visible above the fence when viewed from No.8 Beachwood Croft.

PLANNING HISTORY

W/81/0326 - Erection of a rear kitchen and WC extension, granted 28th April 1981;

W/82/0601 - Erection of rear single storey extension to form dining room, utility room and WC, granted 9th August 1992;

W/01/1256 - Erection of single storey side extension, granted 22nd November 2001;

W/07/1233 - Erection of first floor and roof side extension, rear roof dormer and ground floor front extension, granted 7th September 2007;

W/07/0563 - Loft conversion involving the installation of rear dormer windows and the alteration of the roof line, granted 21st May 2007.

RELEVANT POLICIES

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Distance Separation (Supplementary Planning Guidance)
- The 45 Degree Guideline (Supplementary Planning Guidance)

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council - Objection. The siting and mass of the proposal is so close to the neighbouring boundaries on three sides; concerns that the proposed plans do not maintain the required separation distance from the neighbouring property.

Ecology - Request a nesting bird note.

Assessment

The main considerations in assessing this application are as follows:

- Any potential effect on the amenities of neighbouring properties; and
- The design of the building.

Neighbours' Amenity

The proposed outbuilding is set approximately 23 metres from the rear elevation of the application property and from either neighbour, No.94 and 90 Rouncil Lane. Therefore it is considered that the proposed outbuilding will not have any significant impact on the residential amenities of the occupiers of those properties.

It is considered that due to the angled nature of the proposed outbuilding in relation to No.8 Beechwood Croft to the rear and the differing site levels, notwithstanding the close proximity of the proposed outbuilding to the rear of that property there will be no significant impact on the residential amenities of the occupiers of that property.

Design

The proposed building will be a timber framed structure clad in cedar wood. It is considered that due to the location of the proposed building to the rear of the site, which is not highly visible from public vantage points the design and materials proposed are acceptable.

Health and Wellbeing

N/A

Summary/Conclusion

In the opinion of the Local Planning Authority, the proposed development is of an acceptable standard of design which would not cause unacceptable harm to the locality in which the site is located and will not result in an unacceptable adverse impact on the amenity of nearby residents by reason of overbearing effect, loss of light or privacy. The proposal is therefore considered to comply with the policies listed.

CONDITIONS

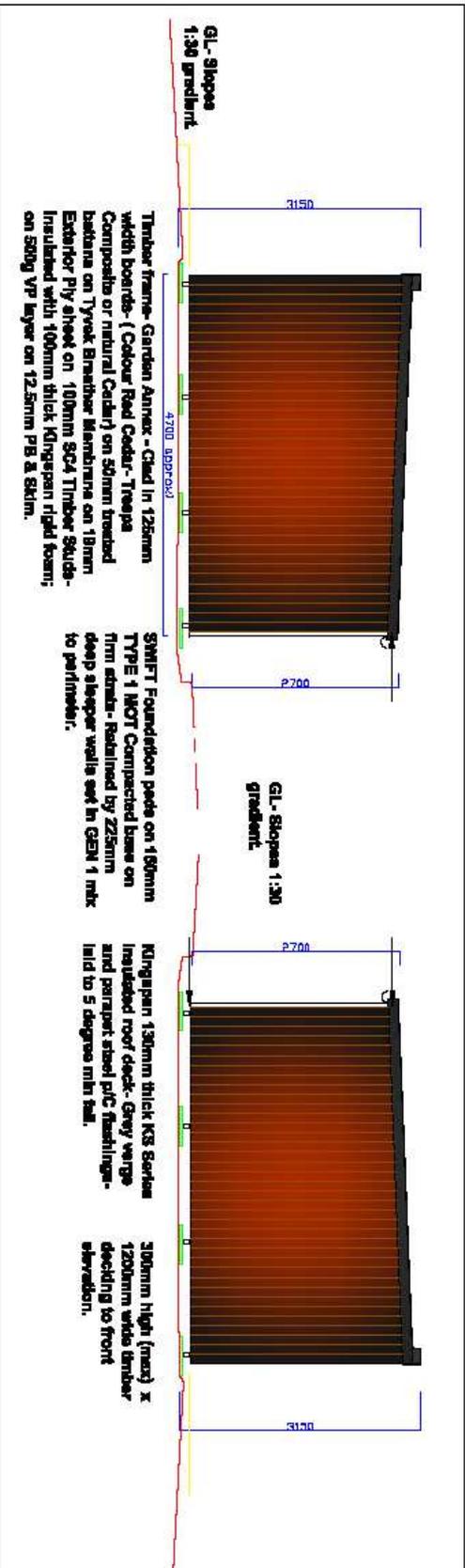
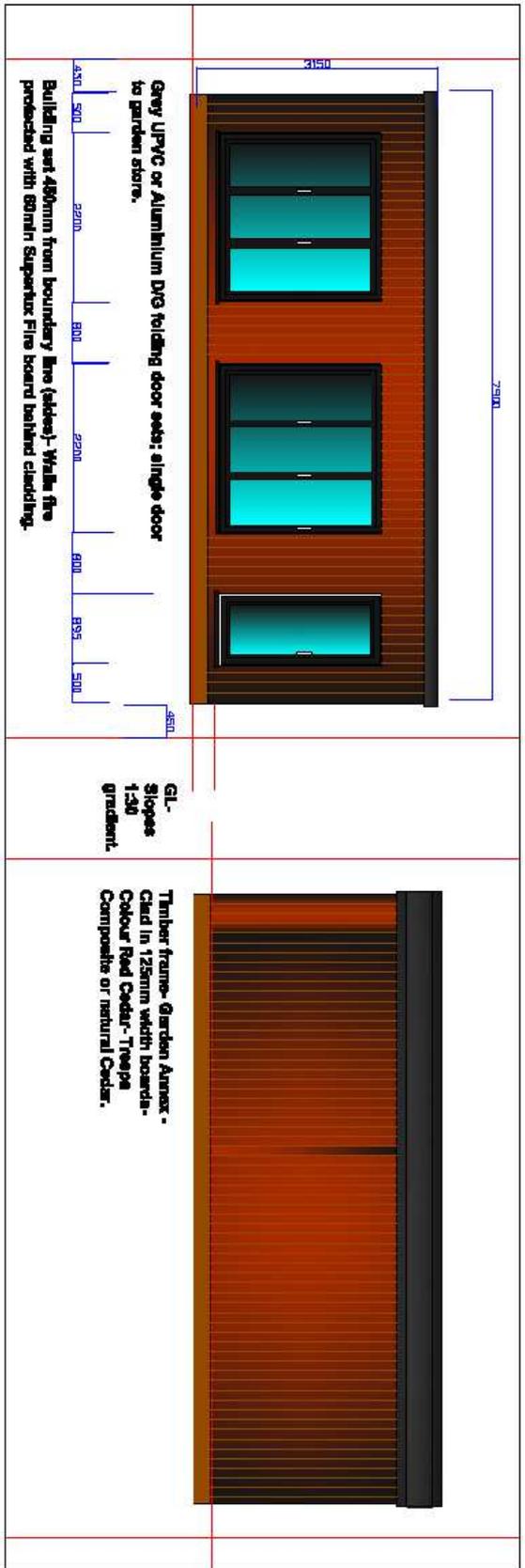
- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing Garden Annex - Plans - Dec 2013, proposed floor plans and proposed elevations and specification contained therein, submitted on 31st December 2013. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

BLOCK PLAN
AREA 90m x 90m
SCALE: 1:500 on A4
CENTRE COORDINATES: 428606 , 270643



Supplied by Streetwise Maps Ltd
www.streetwise.net
Licence No: 100047474



Planning Committee: 25 February 2014

Item Number: 7

Application No: W 13 / 1491

Town/Parish Council: Shrewley
Case Officer: Emma Spandley
01926 456533 emma.spandley@warwickdc.gov.uk

Registration Date: 15/01/14
Expiry Date: 12/03/14

Land at Five Ways Road, Shrewley, Warwick, CV35 7HZ

Demolition of four chicken sheds and replacement with two dwellings and associated infrastructure and landscaping FOR Sammi Developments Ltd

This application is being presented to Committee as the Parish Council supports the application and 5 or more letters of support have been received.

RECOMMENDATION

Committee are recommended to refuse to grant planning permission for the reason set out at the end of this report.

DETAILS OF THE DEVELOPMENT

The application proposes the demolition of the existing structures at the site including 4 chicken sheds and associated buildings, and the erection of two detached dwelling houses. The existing access at the site is proposed to be reused and widened in accordance with the Highway Authority's requirements. The proposed dwellings will be four bedroomed, set over 70 metres into the site, with detached double garages to the front. They will be a maximum of 16.5 metres deep and 15.5 metres wide with an eaves height of 2.5 metres. The main ridge height will be 6.6 metres rising to a maximum of 7.5 metres to the top of the front projecting gable. The properties will benefit from dormer windows within the roof slope and will appear largely as one and half stories in height, apart from the two storey gable feature.

THE SITE AND ITS LOCATION

The application site was part of Farm Gate Farm and contains vacant chicken rearing sheds. It is located within the Green Belt and open countryside as part of a small scattered hamlet. To the north of the site there is Farm Gate Poultry Farm and two residential properties, which are located over 60 metres away. To the east, is open countryside; to the south is one detached property located 40 metres away and set to the rear of the site, to the west is another dwelling.

PLANNING HISTORY

There are several planning applications which relate to Farm Gate Farm as a whole.

However, in 2003 the site, the subject of this planning application, was granted permission to change the use of the poultry sheds to use for storage purposes (Use Class B8).

RELEVANT POLICIES

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- Distance Separation (Supplementary Planning Guidance)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- National Planning Policy Framework

SUMMARY OF REPRESENTATIONS

Shrewley Parish Council - No objection as it is considered that the proposal will improve the appearance of the area and be in keeping with most of the houses along Five Ways Road. It will make good use of a site which currently houses unattractive chicken sheds, without affecting the character or openness of the Green Belt.

Ecology (WCC) - In order to identify the actual extent of great crested newts within the site and therefore whether the proposed development would unacceptably impact upon that species to the extent that mitigation measures would not be sufficient, the County Ecologist has requested the undertaking of a pre-determinative survey at the site.

Highways (WCC) - No objection.

Severn Trent - No objection.

Public Response.

6 letters of support have been submitted welcoming the removal of the existing chicken sheds due to the improved visual appearance and the loss of odour.

Assessment

The main issues in the consideration of this application are:-

- The principle of the development;
- Whether, having regard to guidance contained in the *National Planning Policy Framework* (the Framework) the proposal would be inappropriate development in the Green Belt, and if so whether the harm by reason of inappropriateness and any other harm is sufficiently outweighed by other

considerations so as to amount to the very special circumstances necessary to justify the development;

- The effect of the development on the openness of the Green Belt and the character and appearance of the area;
- Ecology;
- Highway Safety;
- Renewable Energy.

The Principle of Development

Policy RAP1 of the Warwick District Local Plan 1996-2011 sets out the limited circumstances in which new residential development may be permitted within the rural area of the District. However, the Council does not have a five year supply of deliverable housing sites, such that in accordance with the NPPF, only limited weight can be attached to this policy.

Nevertheless, Paragraph 87 of the NPPF also advises that development such as that proposed by this application is inappropriate within the Green Belt and therefore by definition harmful to the Green Belt such that unless very special circumstances can be demonstrated sufficient to outweigh that harm, there is therefore an objection in principle.

Openness & Character and Appearance

The existing buildings on the site occupy a significantly larger footprint than the proposed dwellings and are low rise, utilitarian farm buildings, which are relatively unobtrusive within the surrounding area. The proposed development whilst of significantly smaller footprint and located substantially within the site are nevertheless of 1.5 to 2 storey design such that the increase in the height of built development would be visually more intrusive within the open countryside and Green Belt relative to the current position. Further, the proposed dwellings and associated domestic paraphernalia would also impact upon the character and appearance of the countryside and Green Belt resulting in an increasingly domesticated appearance of the area.

Ecology

Policy DP3 of the Warwick District Local Plan 1996-2011 states that development will only be permitted which protects and positively contributes to the character and quality of its natural and historic environment.

A habitat index survey has identified the potential for the presence of great crested newts within the site and immediately surrounding area. In order to identify the actual extent of great crested newts within the site and therefore whether the proposed development would unacceptably impact upon that species to the extent that mitigation measures would not be sufficient, the County Ecologist has requested the undertaking of a pre-determinative survey at the site.

Highway Safety

Policy DP6 of the Warwick District Local Plan 1996 - 2011 states that development will only be permitted which provides safe and convenient access and where development can demonstrate that does not cause harm to highway safety.

Five Ways Road is subject to 50mph speed limit and Warwickshire County Council as Highways Authority have identified that visibility splays of 2.4m x 160m are required in both directions, along with a minimum access width of 5 metres both of which are now proposed as part of the scheme.

It is therefore considered that the proposal will not have a detrimental impact on highway safety.

Renewables

Policy DP12 of the Warwick District Local Plan states that the layout and design of development will be encouraged to promote energy efficient buildings and Policy DP13 states there is a requirement for 10% of the predicted energy requirements to be produced on site.

The application is supported by an energy statement which states a number of methods will be applied to the proposed dwellings to reduce energy consumption. The key design principle has been a fabric first approach to minimise the energy demands and the incorporation of photo voltaic panels.

It is therefore considered the proposal complies with Policy DP13 by producing 10% of the predicted energy requirements of the proposed dwellings through renewable technologies.

Summary/Conclusion

The application site lies within the open countryside and Green Belt. The proposed development comprises inappropriate development within the Green Belt to which there is an objection in principle and in respect of which no very special circumstances have been demonstrated sufficient to overcome that objection. It is also considered that the proposed development will result in the increased domestication of the countryside to the detriment of the visual amenities and character of the area and that it has not been demonstrated that any impact on great crested newts can be adequately mitigated.

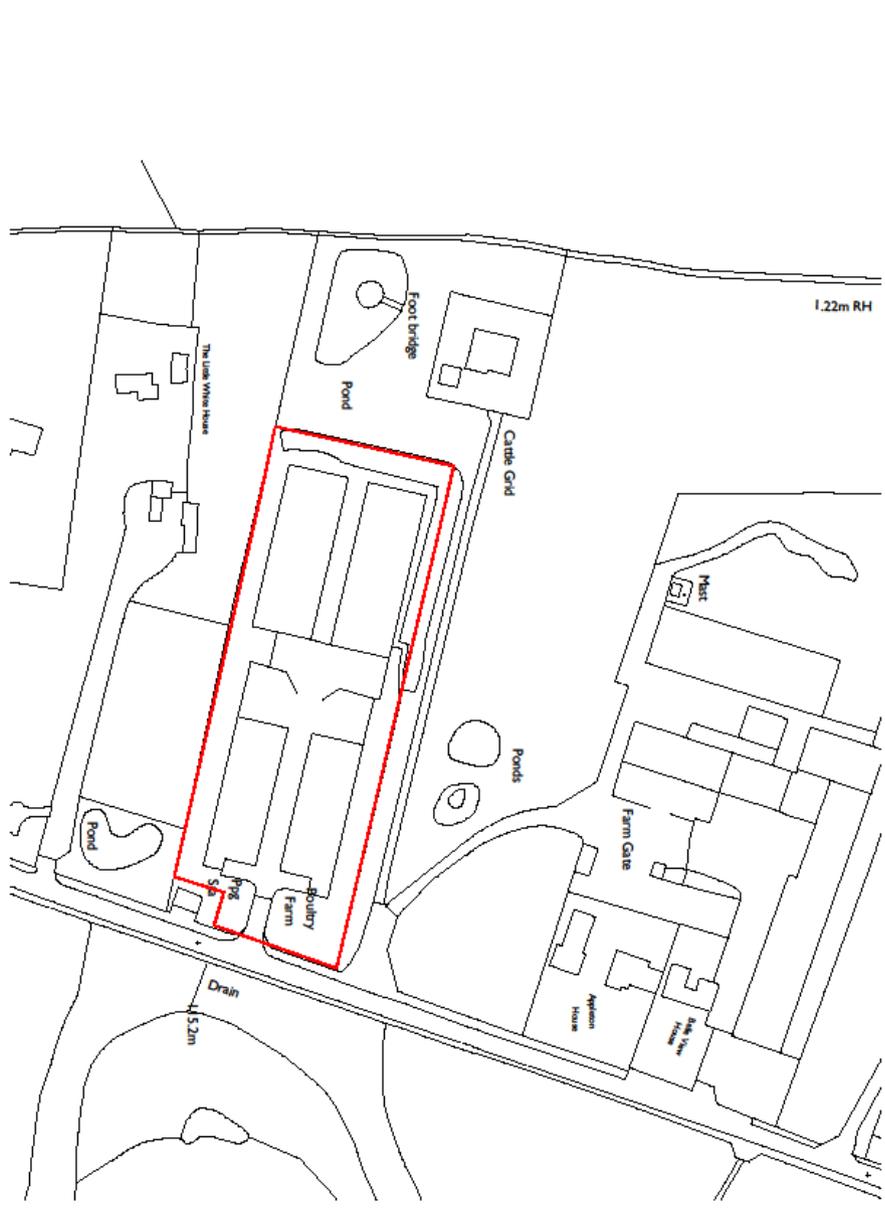
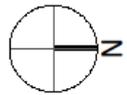
REFUSAL REASONS

The application site is located within the open countryside and Green Belt. The proposed development comprises inappropriate development within the Green Belt to which there is an objection in principle and in respect of which no very special circumstances have been demonstrated sufficient to overcome that objection. The proposed development will also result in the increased domestication of the countryside to the

detriment of the visual amenities and character of the area and it has not been demonstrated that any impact on great crested newts can be adequately mitigated.

The proposed development is therefore contrary to the National Planning Policy Framework and to policies DP1, DP3 and DAP3 of the Warwick District Local Plan 1996 - 2011.

This drawing is the property of the architect and shall remain the property of the architect. It is not to be used for any other purpose without the written consent of the architect. The architect shall not be responsible for any errors or omissions in this drawing. The architect shall not be responsible for any damage or loss of any kind resulting from the use of this drawing. The architect shall not be responsible for any delay or interruption of any kind resulting from the use of this drawing.





 Property Group Ltd



 architects | urban design | interior design

project management | visualization

PLANNING

dir: Sam Development Ltd (aka One property group)

ic: Five Ways Road, Hatton

site: Location Plan

client: PDHF date: 04.10.2013 scale: 1:1250

id: C1615 type: P001 rev: -

27 spoon street, coventry, CV1 3BA

tel: (024) 7637 600 fax: (024) 763 20 424

email: info@idp.co.uk web: www.idp.co.uk



Only a small part of the building work is shown in this site layout plan. The site layout plan is a preliminary design and is not intended to be used for planning purposes. It is not intended to be used for planning purposes. It is not intended to be used for planning purposes. It is not intended to be used for planning purposes.

one

Property Group Ltd
idp MIDLANDS
 A R E R I T E C T S

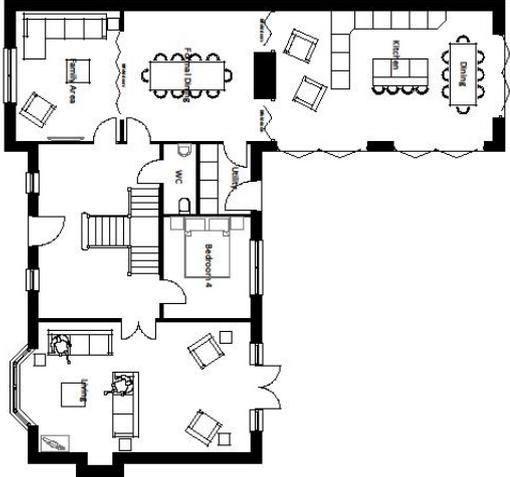
architecture | urban design | interior design
 project management | visualisation
PLANNING

client: Summit Developments Ltd & Ove Arup Property Group
 job: Five Ways Road, Hatfield
 site: Site Layout Plan
 date: R017 date: 04.10.2013 scale: 1:500
 sheet: C1615 of 16 P002
 27 spoon street, coventry, CV1 3BA
 tel: (0247) 76527 600 fax: (0247) 76520 404
 e-mail: info@idp.co.uk web: www.idp.co.uk

© 2013-2014 One Property Group Ltd. All rights reserved. This document is the property of One Property Group Ltd. and is intended for the use of the client only. It is not to be distributed, copied, or reproduced in any form without the prior written consent of One Property Group Ltd. The information contained herein is for general information only and does not constitute an offer of any financial product or service. One Property Group Ltd. is a registered company in England and Wales, registered number 10402818. VAT number: GB 254 080 123. One Property Group Ltd. is a member of the National Association of Estate Agents (NAEA).



First Floor : - 109.6m²



Ground Floor : - 142.8m²



Front Elevation



Rear Elevation



Side Elevation

Total Floor Area : - 252.4m² / 2716.8ft²



Side Elevation

one
Property Group Ltd

idp MIDLANDS
P R O J E C T S

architecture | urban design | interior design
project management | visualization

P L A N N I N G

client: Sammi Developments Ltd (p/o One property group)
job: Pine Ways Road, Hatton
site: Proposed House Type (A5)
client: PHT date: 04.10.2013 scale: 1:100
plan: C1615 sheet: P005
27 spoon street, coventry, CV4 3BA
tel: (024) 7657 600 fax: (024) 7657 024
www.onepropertygroup.com www.idpplanning.co.uk

Application No: W 13 / 1763

Town/Parish Council: Baginton
Case Officer: Rob Young

01926 456535 rob.young@warwickdc.gov.uk

Registration Date: 17/12/13

Expiry Date: 18/03/14

Land To The Rear of Holly Walk, Baginton, Coventry

Erection of a free school together with 2 no. multi-use games areas; secondary school outdoor recreation space; primary school outdoor play area; 24 car parking spaces; landscaping and security fencing (outline application including details of access) (resubmission following refusal of application no. W13/0391).

FOR Baginton Green Limited

This application is being presented to Committee due to the number of objections and an objection from the Parish Council having been received. This is a resubmission following the refusal of planning application no. W13/0391 on the grounds of concerns about contamination and the remediation information that had been submitted. The current application differs from the scheme that was refused in the following respects:

- a further contamination report has been submitted;
- a section drawing showing the proposed 600mm cover over the landscaped areas has been provided; and
- an updated Reptile Mitigation Strategy has been submitted to address the impact of the detailed ground investigation works on the grass snake population.

RECOMMENDATION

Planning Committee are recommended to GRANT planning permission, subject to conditions, and subject to a Section 106 agreement or Unilateral Undertaking to secure a contribution of £75,000 for capital improvements to the Millennium Field or some other appropriate form of community benefit within the Parish involving capital improvement works (to be completed by 18 March 2014).

DETAILS OF THE DEVELOPMENT

The application proposes the erection of a free school together with 2 no. multi-use games areas; secondary school outdoor recreation space; primary school outdoor play area; 24 car parking spaces; landscaping and security fencing. This is an outline application including details of access.

The application includes illustrative plans showing how the site may be laid out, together with indicative floor plans and elevations of the school building. However, if outline planning permission were to be granted, the applicant would not be bound to comply with these plans in terms of the site layout or the design

of the building, unless conditions were imposed to control any of these matters. Detailed approval is sought for the access proposals and therefore these would be fixed by any outline planning permission. Full details of the site layout and design of the building would be assessed as part of any subsequent reserved matters submission.

The indicative plans show the school building located towards the western end of the site, but set off the site boundaries. This is shown as a single and two storey building with a ridge height of between 6.3m (single storey) and 9.4m (two storey). The total gross internal floorspace of the building is indicated to be 1,761 sq m.

The applicant advises that the proposed school is primarily intended for the teaching of children within the Brethren Fellowship; however, there is no restriction preventing other pupils from attending the school. The Free School has an open admission policy.

The proposed school would replace an existing school (Copsewood School) which is currently split over two separate sites in Coventry. There are 125 pupils in these existing schools and the applicant predicts that the new school will have 150 pupils, with some allowance for a modest level of expansion (the school that has been designed would have a maximum capacity of 200 pupils). The main catchment areas for the existing schools are Kenilworth, Leamington, Baginton and Coventry.

THE SITE AND ITS LOCATION

The application relates to land on the western edge of the village of Baginton. The site is situated within the Green Belt and is currently open uncultivated ground covered by scrub vegetation together with some more significant trees along the site boundaries. The site has previously been used for sand and gravel extraction and was subsequently backfilled with waste, the nature of which is unknown. As a result of past tipping operations, parts of the site are elevated above the level of the surrounding land.

The site is bounded by dwellings in Holly Walk and Frances Road to the north, by Baginton Village Hall to the east and by dwellings, the Royal British Legion Club and the Grade I Listed St. John the Baptist's Church in Kimberley Road / Church Road to the south. To the west the site is bounded by a public right of way and on the opposite side of this is a further vacant plot of land in the same ownership that is similar in character to the application site. There is vehicular access onto that adjacent plot of land from Bosworth Close. The nearby Brethren's Meeting Room is also accessed from the end of Bosworth Close.

The Baginton Conservation Area adjoins part of the southern boundary of the site. The Baginton Castle Scheduled Ancient Monument is approximately 75m to the west of the site. The application site also once formed part of the grounds of the former Baginton Hall, which was demolished in the 1920s.

PLANNING HISTORY

The application site and neighbouring land has been the subject of a number of planning applications over the past 30 years. The most relevant of these were applications to erect a new school in 2010 and 2013.

The 2013 application was for the erection of a new school on the current application site (ref. W13/0391). This was refused for the following reason:

"The proposed development is located on a contaminated site where the extent and nature of that contamination is unknown.

The information submitted with the application is insufficient to demonstrate that prior to its development, the site can satisfactorily be remediated and made fit for purpose in a manner which is not detrimental to sensitive receptors including land and the environment ; the health and safety of site users, visitors to the site or to that of the occupants and users of neighbouring properties and land.

The development is therefore contrary to the National Planning Policy Framework and to policy DP9 of the Warwick District Local Plan 1996 – 2011."

The 2010 application was for the erection of a new school on land immediately to the west of the current application site (ref. W10/1062). This was refused for the following reasons:

"1. The proposals represent inappropriate development within the Green Belt and no very special circumstances were demonstrated to outweigh the harm to the Green Belt.

2. Harm to the setting of the Grade I Listed Church of John the Baptist and the Baginton Castle Scheduled Ancient Monument.

3. Harm to national planning objectives of creating more sustainable patterns of development and local policies seeking to limit development in the rural area to that which meets a local need."

Prior to these recent applications for a school, the application site and neighbouring land was the subject of the following applications:

Planning permission (ref: W80/0810) for residential development was refused in 1980 primarily on grounds of conflict with Green Belt Policy. The proposed development was subsequently dismissed on appeal.

Planning permission (ref: W85/1179) for residential development including sheltered housing was refused in 1986 primarily on grounds of conflict with Green Belt Policy. The proposed development was subsequently dismissed on appeal.

Planning permission (ref: W85/1180) for change of use of vacant land to form extended golf course was granted in 1986.

Planning permission (ref: W89/0215) for change of use of wasteland to a holiday caravan park was refused in 1989.

Outline planning permission (ref: W91/0438) for erection of a meeting hall with car parking and two access roads was granted in 1991 on the adjacent site to the north.

Planning permission (W91/0974) for approval of reserved matters for the erection of a meeting room with car parking for 120 vehicles and construction of two access roads was granted in 1991.

Planning permission (ref: W92/1306) for the erection of a clubhouse with car parking, provision of tennis courts, football pitch and bowling green (with shelter) on the adjacent site to the east (including a small part of the application site for access) was refused in 1994 on grounds of its over-intensive use, detrimental impact on residential amenity by reason of late night noise and disturbance generally, loss of trees and impact of traffic movements on dwellings and the proximity of vent pipes close to dwellings. The application was subsequently dismissed at appeal on grounds of inappropriate development in the Green Belt in the absence of any very special circumstances and on unacceptable disturbance to neighbouring residents, with particular reference to the football pitch.

Planning permission (ref: W95/1297) for erection of an ancillary single storey clubhouse with car parking for 72 cars,; provision of 3 all weather tennis courts and 2 bowling greens, a two metre close boarded fence surmounted by a 0.5m high trellis fence and additional landscaping provision, including an extension to the existing copse adjacent to Hall Drive and boundary tree planting was refused by the District Planning Authority, but was subsequently allowed on appeal in 1997. This permission primarily relates to the land to the east of the application site but also includes part of the current application site.

Planning permission (ref: W01/1681) for variation of condition 1 of pp W95/1297 (time limit) for the erection of a clubhouse with car parking, provision for 3 all weather tennis courts and 4 bowling greens was granted in 2002. A material commencement of this permission is considered to have taken place as part of the access road which leads off Bosworth Close to the site has been constructed. As a result this permission could be completed at any time. However, should planning permission for the school be granted and implemented, then the extant permission for the clubhouse development would be extinguished.

RELEVANT POLICIES

- National Planning Policy Framework
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)

- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- Vehicle Parking Standards (Supplementary Planning Document)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
- DP15 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011)
- RAP11 - Rural Shops and Services (Warwick District Local Plan 1996 - 2011)
- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
- DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)

SUMMARY OF REPRESENTATIONS

Baginton Parish Council: Object on the following grounds:

- inappropriate development within the Green Belt;
- no very special circumstances to justify the development;
- the perceived benefits do not outweigh the harm caused;
- this will set an undesirable precedent for the development of further Green Belt land;
- increased traffic and associated noise and nuisance;
- whilst the school is smaller than previously proposed [in 2010], quoted pupil numbers remain the same, suggesting that there could be further development beyond that shown;
- the access road cuts across a public right of way;
- the premises are closer to existing houses than the previous application [in 2010], adversely affecting neighbouring properties;
- adverse ecological impact;
- the contamination report is out of date;
- possible migration of contamination onto surrounding properties; and
- the further gas monitoring carried out since the previous application has not addressed their concerns.

The Parish Council go on to recommend that the following conditions or agreements be put in place, should the District Council decide to grant planning permission, contrary to their objection:

- the buildings should be reduced in height to avoid overlooking or the school should be moved west of the existing footpath, away from existing houses;
- a one way system should be implemented through the meeting room car park during the morning to address traffic concerns (i.e. using both Bosworth Close and Friends Close);

- a requirement for a contamination remediation strategy, to include measures for the full containment and remediation of existing materials to remain on site;
- a requirement to retain the public right of way;
- a condition to ensure that lighting is low, appropriate and does not cause light pollution to neighbouring land and properties;
- to address concerns about the development bringing no benefit to the village, a Section 106 Agreement should be drawn up to provide identified benefits to the wider community in the village, e.g. a commuted sum to provide other amenity for the wider benefit of the villagers; and
- the junction between Bosworth Close, Mill Hill and Coventry Road is deficient with no footpath provision; could this be rectified?

Stoneleigh & Ashow Parish Council: Object on the following grounds:

- inappropriate development within the Green Belt;
- no very special circumstances to justify the development;
- harm to the setting of the Baginton Conservation Area, the Grade I Listed Church and the Bagot's Castle Scheduled Ancient Monument;
- this is an unsustainable location with limited public transport links;
- increased traffic on surrounding rural roads;
- detrimental to highway safety;
- cumulative traffic impact in addition to the developments at Stoneleigh Park, Abbey Park and Coventry and Warwickshire Gateway; and
- insufficient information has been submitted in relation to contamination.

Public response: 62 objections and 26 representations in support have been received. The objectors raise the following concerns:

- inappropriate development within the Green Belt;
- no very special circumstances to justify the development;
- this will set an undesirable precedent for the development of further Green Belt land;
- increased traffic;
- the use of the existing Brethren's meeting hall already causes traffic problems;
- detrimental to highway safety;
- inconvenience and safety issues due to construction of the access across a public footpath;
- adverse impact on air quality;
- the school will be of no benefit to the village because it is intended for Brethren children who do not live in the village;
- noise and disturbance from children playing outside;
- construction noise;
- loss of privacy for neighbouring dwellings;
- loss of outlook for neighbouring dwellings;
- inappropriate to have noise from children adjacent to a church and graveyard;
- adverse ecological impact;
- unsustainable development;

- bringing this number of children into a village location from surrounding cities and towns (and further afield) is unsustainable;
- there is no local need for a school of this size;
- contrary to the Local Plan;
- the proposals will have an adverse impact on the local environment but would be of no benefit to the local community;
- the proposals will upset the balance of village life;
- adverse archaeological impact – this is an area of significant archaeological potential;
- harm to the setting of the Grade I Listed St. John the Baptist Church;
- harm to the setting of the Baginton Conservation Area;
- loss of access to an area of amenity land that has been used by the public for many years;
- there are alternative sites outside of the Green Belt that could accommodate the proposed school;
- there is no requirement for the school to be situated adjacent to the meeting hall;
- Baginton does not have the local facilities to cater for a development of this size;
- if permission is granted, little could be done to prevent the school from expanding in the future;
- disturbance of land that is known to be severely contaminated;
- a new environmental assessment is required due to the nature and extent of the contamination;
- possible migration of contamination onto surrounding properties;
- the further contamination assessment that has been carried out is not adequate;
- harm to the character and appearance of the area due to the security fencing;
- harm to the rural landscape;
- lack of drainage details; and
- existing local children have to travel out of the village to go to school, whereas pupils for the proposed school will travel into the village from far and wide.

The supporters make the following points:

- a search for a site for the school have been ongoing for some time but there are no suitable sites available;
- the building will fit into the environment inconspicuously;
- the current Brethren schools are not fit for purpose;
- there will be significant educational benefits arising from providing improved facilities for pupils of the existing schools;
- the proposals would be in accordance with Government priorities in terms of improving education;
- there will be travel reduction benefits from having the primary and secondary schools on one site;
- this will make good use of a derelict piece of land;
- the disturbance caused will be minimal with any noise from break times being short and screened by landscaping;
- the increase in traffic will not be significant;

- biodiversity benefits;
- a school would be more suitable than the existing planning consent for a sports ground; and
- the school will cause less traffic, less ecological harm and would be less intrusive for surrounding residents than the approved sports ground.

English Heritage: Confirm that they do not wish to comment in detail. Advise that the Council should use their own specialist conservation advice to consider the impact on the setting of the adjacent Grade I Listed Church and Conservation Area.

Environment Agency: No objection, subject to conditions.

Ramblers Association: No objection. No fencing should be permitted across the public footpath.

Severn Trent Water: No objection, subject to a condition to require drainage details.

Coventry Airport: No objection.

Warwickshire Police: No objection, but make recommendations regarding the incorporation of security features within the development.

Coventry City Council: No comment.

WCC Highways: No objection, subject to a condition.

WCC Ecology: No objection. Confirm that there will be a gain in biodiversity based on the ecological enhancements that have been proposed. Recommend conditions to require the submission of a landscaping and habitat management plan, to require compliance with the submitted Reptile Mitigation Strategy and to require a further badger survey. Also recommend conditions regarding nesting birds, Himalayan Balsam and Japanese Knotweed and lighting.

WCC Archaeology: No objection.

WCC Fire and Rescue: No objection, subject to a condition to require details of water supplies and fire hydrants.

WCC Rights of Way: No objection, subject to informative notes.

WDC Environmental Health: No objection, subject to conditions in relation to contamination, lighting and noise, including restrictions on the hours of use of the multi-use games areas and a requirement to carry out an acoustic assessment of the multi-use games areas when in use.

ASSESSMENT

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

- Green Belt policy and the impact on the openness and rural character of the Green Belt;
- the impact on the character and appearance of the area;
- the impact on the setting of the Grade I Listed Church, Scheduled Ancient Monument and Conservation Area;
- the impact on the living conditions of nearby dwellings;
- contamination;
- highway safety;
- car parking;
- drainage and flood risk;
- sustainability; and
- ecological impact.

NB. Where references are made in this report to the "2010 application", this is referring to planning application no. W10/1062. On all issues other than contamination the comparisons are made with that 2010 application because that application was refused on Green Belt, conservation and sustainability grounds, whereas the more recent March 2013 application (W13/0391) was only refused on contamination grounds.

Green Belt policy and the impact on the openness and rural character of the Green Belt

Paragraph 89 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt, with certain exceptions. The erection of a new school does not fall under any of these exceptions and therefore the proposals constitute inappropriate development within the Green Belt. Paragraph 87 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. Paragraph 88 of the NPPF goes on to state that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and that "very special circumstances" will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In making this assessment, it is first necessary to consider whether any "other harm" is caused by the proposals.

The proposals would introduce a substantial building onto a site that currently has no buildings. Whilst the site has been the subject of significant development in the past in the form of mineral extraction and subsequent landfill operations, it is now an open area of land. Therefore the proposals would result in a significant reduction in the openness of this part of the Green Belt.

The proposals would represent a significant urban encroachment into the countryside, undermining the objectives of Green Belt policy. However, the current proposals would cause less harm to the Green Belt than the 2010 proposals for a school on land to the west of the current site. This is due to the reduced size of the current proposals (1,761 sq m floorspace compared to 3,000 sq m) and due to the revised site being more closely related to the main built

form of the village, surrounded on three sides by existing built development. Therefore the harm to the wider rural landscape would be significantly reduced.

Relative to the 2010 scheme, it follows that it will be less onerous for very special circumstances to outweigh this reduced level of harm. Nevertheless, there remains a significant level of harm to the Green Belt and consequently there would still need to be compelling very special circumstances to outweigh this harm.

It is now necessary to consider whether the applicant has demonstrated very special circumstances to outweigh the conflict with Green Belt policy and the harm to the openness and rural character of the Green Belt. The applicant has put forward the following very special circumstances in support of the proposals:

- the NPPF states that great weight should be given to the need to create, expand and alter schools;
- there is an urgent need for a new school because the existing facilities are cramped, outdated and wholly inadequate, as confirmed by inspections by the School Inspection Service;
- one of the existing school sites is operating under a temporary planning permission;
- there is an absence of suitable and available alternative sites to deliver the school;
- the applicant has been searching for an alternative site for 6 to 7 years without success;
- provision of a wider choice of school places;
- remediation of a contaminated site and restoration from a despoiled and derelict wasteland;
- ecological benefits arising from new tree and shrub planting and the provision of a Landscape and Ecological Management Plan for the land to the west of the site, including provision for a grass snake sanctuary;
- the provision of an avenue of trees either side of the public right of way will enhance the setting of the Conservation Area and Parish Church; and
- the proposed school would be less harmful than the approved sports ground and associated facilities.

The applicant has also advised that they propose to make a contribution of £75,000 for capital improvements to the Millennium Field or some other appropriate form of community benefit within the Parish involving capital improvement works. This would be secured by a Section 106 agreement or Unilateral Undertaking.

When assessing the very special circumstances that have been put forward by the applicant, it is important to have regard to any changes in circumstances since the 2010 application was refused that might affect this assessment. In this regard the main changes of circumstances are that the revised proposals would cause less harm to the Green Belt (as discussed above) and that the National Planning Policy Framework has been introduced since that previous decision.

Insofar as it is relevant to the consideration of the current proposals, the provisions relating to Green Belt remain largely unchanged in the NPPF compared with previous policies. However, in relation to schools development, Paragraph 72 sets out a new emphasis on supporting the creation of new schools. In assessing the 2010 application, regard was had to the previous government planning policy relating to schools, i.e. the August 2011 policy statement "Planning for Schools Development". The 2010 proposals were not for a Free School or a state-funded school and therefore it was determined that the August 2011 policy statement did not apply. However, the NPPF differs in that the support for new schools applies to schools in general and not just Free Schools or state-funded schools. In any case, the current proposals are now for a Free School and therefore the August 2011 policy statement would now be applicable.

Paragraph 72 of the NPPF states that "the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local Planning Authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- give great weight to the need to create, expand or alter schools; and
- work with schools promoters to identify and resolve key planning issues before applications are submitted."

Either way, whether it be the introduction of the NPPF, or the change in eligibility for the proposals to be considered under the August 2011 policy statement (i.e. as a Free School), there has been a significant change in the balance of policies that the application must be assessed against. Whilst this does not override the strict policy governing development within the Green Belt, it does introduce some more compelling policy support for the proposals that add to the very special circumstances.

In terms of other changes in circumstances since the 2010 application was considered, it is notable that a further 3.5 years has passed without a suitable alternative site being found for the school. This adds weight to this aspect of the very special circumstances. The applicant has provided an extensive list of the alternative sites that they have considered. Another change since the 2010 application is that the applicant is now proposing to provide an appropriate form of community benefit for the village.

The provisions of the NPPF also afford greater weight to one of the other key elements of the very special circumstances put forward by the applicant, i.e. the urgent need for a new school due to the inadequate nature of the existing facilities. There is clearly a need to create a new school to replace these inadequate facilities and Paragraph 72 of the NPPF advises that local planning authorities should attach great weight to this need.

Having considered the assessment of very special circumstances that was carried out in relation to the 2010 application, it is apparent that the significant changes of circumstances that have been outlined above would result in a significant

change in the balance of the assessment. In the first instance, the harm would be reduced. Balanced against this, the very special circumstances are now significantly more compelling. Therefore it is concluded that there are now very special circumstances that clearly outweigh the harm resulting from the conflict with Green Belt policy and any other harm. As a result, the proposals would be in accordance with the NPPF.

As this assessment of the Green Belt issue has attached weight to the reduced size of the proposed building, it is considered necessary to impose a condition to restrict the size of the school building to no larger than shown on the indicative plans. This would also address the concerns of Parish Council and neighbours that a larger building may be proposed at reserved matters stage.

The concerns that the Parish Council and neighbours have raised regarding setting an undesirable precedent for further development within the Green Belt are noted, however it is not considered that this would be the case. Each case must be judged on its own merits. It is unlikely that the particular very special circumstances relevant to the current proposals and site would apply to other developments or nearby sites within the Green Belt.

Impact on the character and appearance of the area

With the design and siting of the building being indicative at this stage, it is only possible to make a broad, in principle, assessment of the impact on the character and appearance of the area. In this regard it is notable that the surrounding area contains a varied pattern of development, including relatively uniform lines of dwellings fronting onto the surrounding roads, but with a number of buildings set behind the main frontage development, including some larger buildings set in extensive grounds (e.g. the meeting room to the west of the site and the village hall to the east). The application site itself does not have an immediate relationship with any of the nearby streets. In this context, a building of an appropriate scale could be designed and sited in a manner that would be in keeping with the character and appearance of the area. Furthermore, given the relationship with surrounding buildings and streets, with the site being an "in-dent" within the built form of the village, the current open nature of the application site does not make such a contribution to the rural setting of the village as to suggest that development should be prohibited on these grounds.

Objectors have raised concerns about the visual impact of the security fence around the site. However, whilst a fence is indicated on the indicative site plan, as this is an outline application the exact design and position of the fence will be assessed as part of any reserved matters application. Nevertheless, schools are normally surrounded by a security fence and therefore it is likely that a security fence would form part of the detailed proposals for the site. However, considering the character of the area and the relationship with surrounding roads, footpaths and properties, there is no reason to believe that a security fence of a suitable design and siting would harm the character and appearance of the area.

Impact on the setting of the Grade I Listed Church, Scheduled Ancient Monument and Conservation Area

The 2010 proposal (which was a detailed application) showed a much larger building that was sited a lot closer to the Grade I Listed Church and the Scheduled Ancient Monument than the current proposals. The current application site is separated from the Scheduled Ancient Monument by a separate parcel of land to the west (the previous site adjoined the boundary of the Scheduled Ancient Monument). The current application site would still share a boundary with the church, but the reduced scale of the proposed building and the shape and position of the site (on the more "developed" village side of the church) would allow for a satisfactory relationship with the church, subject to appropriate detailed siting and design. Therefore it is concluded that the relocation of the application site and the reduction in scale of the development is sufficient to ensure that these amended proposals will not cause harm to the setting of the Listed Church or the Scheduled Ancient Monument. The impact would be assessed in more detail as part of any reserved matters application when the detailed design will be known. Nevertheless, the recommended condition restricting the size of the school building and the fact that the size and shape of the site offers scope for the building to be located far enough away from the Listed Church and the Scheduled Ancient Monument are sufficient to confirm that a scheme could be designed in a manner that would preserve the setting of the Listed church and the Scheduled Ancient Monument.

In terms of the impact on the setting of the Baginton Conservation Area, the part of the Conservation Area boundary that adjoins the application site corresponds with the boundary of the churchyard. Therefore, the same conclusions in relation to the impact on the setting of the church would apply to the impact on the setting of the Conservation Area. The remainder of the Conservation Area is separated from the application site by the dwellings and Royal British Legion Club in Kimberley Road and therefore would not be impacted upon by the proposals.

Impact on the living conditions of nearby dwellings

The current application site is closer to nearby dwellings than the 2010 proposals. The site adjoins the rear and side boundaries of dwellings in Holly Walk, Frances Road and Kimberley Road. The roads leading up to the development are also fronted by dwellings.

In terms of the impact of the proposed building, given the size of the site in relation to the size of the proposed building, there is plenty of scope for the detailed design and siting to ensure that there would be no unacceptable adverse impacts in terms of loss of light, loss of outlook or loss of privacy. The building could be set well away from the boundaries with neighbouring dwellings. The detailed impact of the building would be considered at reserved matters stage.

Children using the multi-use games areas and playing fields will undoubtedly result in some increase in noise for nearby dwellings, particularly those that adjoin the site. However, it is important to bear in mind that it is normal for schools to be located within residential areas and in close proximity to dwellings.

Also, noise is likely to be limited to short periods of the day, e.g. break times and lunch time. Environmental Health have not objected to the proposals, subject to conditions to limit the hours of use of the multi-use games areas and to require an acoustic assessment of the multi-use games areas to be carried out when in use, to include the provision of noise mitigation measures if necessary. Therefore it is considered that the operation of the school will not generate a level of noise that would cause material harm to the living conditions of nearby dwellings.

There would be a material increase in traffic using Bosworth Close and a subsequent increase in traffic noise for some nearby dwellings. The proposed car park and access road would also introduce vehicle movements into an area to the rear of houses where there are currently no vehicular movements. However, any increase in traffic and vehicle movements would be largely restricted to short periods at the beginning and end of the school day. Furthermore, the proposed travel arrangements are likely limit the amount of traffic (i.e. the significant use of minibuses to transport pupils to and from the site). Therefore it is not considered that the limited additional noise arising from traffic using Bosworth Close or the proposed car park and access road would cause unacceptable harm to the living conditions of nearby dwellings. The proposals would not have a material impact on the levels of traffic using roads on the wider highway network and therefore noise would not be an issue in relation to other roads.

Subject to the construction hours condition recommended by Environmental Health, it is not considered that a refusal of planning permission on the grounds of construction noise would be justified. The condition restricting construction hours is considered to be necessary in this case due to the nature of the site and the relationship with neighbouring dwellings.

A condition is recommended to require lighting details to be submitted for approval, as requested by Environmental Health, the Parish Council and objectors.

Contamination

The sole reason for refusal of the March 2013 planning application was that insufficient information had been submitted to demonstrate that the site could be satisfactorily remediated. The applicant has advised that the following actions have been undertaken to address this reason for refusal:

- A meeting was held with WDC Environmental Health to discuss the undertaking of additional site investigation work to address the concerns of the Planning Committee.
1. Consultation was held with the Environment Agency who concluded that they could not provide further advice as they considered the scheme as presented to be acceptable.
 2. The applicant has appointed Nicholls Colton, a specialist engineering consultancy, to advise on the remediation strategy.

3. Nicholls Colton prepared a brief for further analysis of the site, which has included undertaking additional soil samples on site.
4. A report has been prepared by Nicholls Colton to address the specific concerns of the Planning Committee.
5. Representatives of Nicholls Colton and the applicant's ecologist and planning consultant made a presentation to Baginton Parish Council explaining the principles for remediating the site and engineering techniques for addressing potential gas migration. It is the expert opinion of Nicholls Colton that this site is 'unremarkable' as an area of past landfill. There is, in the view of Nicholls Colton, nothing unduly 'special' about this land that requires novel engineering techniques. The land is what it is, and requires conventional engineering techniques to enable the development to proceed. The full design strategy will be a matter for detailed control by the Council. Members of the Parish Council raised a range of questions for Nicholls Colton. The report submitted with the application includes a section that specifically responds to the questions raised and the responses provided.

The further contamination information submitted by the applicant has been verified by WDC Environmental Health and the Environment Agency. They remain satisfied that suitable measures can be implemented that would provide adequate remediation for the proposed use as well as preventing the migration of contamination off site. Therefore it is considered that the further contamination investigations that have been carried out have addressed the previous reason for refusal. The proposals are considered to be acceptable from a contamination point of view, subject to conditions to require a full ground investigation to be carried out and remediation measures to be submitted for approval.

Highway safety

Objectors have raised significant concerns about highway safety. However, there has been no objection from the Highway Authority. A Transport Assessment was submitted with the application and this addresses the highway impact of the development and concludes that the proposed school would have a negligible impact on the local highway network. This conclusion is made having regard to existing traffic levels on the highway network, the movements associated with the adjacent Brethren Gospel Hall, and the proposed travel movements associated with the particular operation of the proposed school.

The school has been designed to accommodate a maximum of 200 pupils. The proposal is therefore significantly less than a typical school. As a consequence the transport impacts are also significantly less and there is a greater control over the transport modes. The existing schools attract pupils from a large catchment area which is not uncommon for some schools. Travel to and from the existing schools is well organised and designed to minimise the amount of vehicular movement associated with the schools.

It is made clear in the Transport Assessment that the Brethren have particular travel patterns which are different from the accepted norm for most schools. Pupils would be transported to and from the proposed school in Baginton by a privately run coach or minibus service. Pupils are not generally dropped off or collected from school by parents at school opening and closing times, as is the normal practice for mainstream schools. Staff and support staff would arrive by private vehicles or by public transport.

The proposed development is likely to cause a notable increase in vehicle movements along Bosworth Close during peak hours. However, the overall impact on the highway network would be low.

While the level of local objection based on this particular issue is noted, given the proposed travel arrangements and the response from the Highway Authority, it is considered that it would be unreasonable to conclude that the proposed development would result in unacceptable harm in relation to access, traffic and highway safety matters.

The Parish Council have requested that conditions are imposed to require the implementation of a one way system through the grounds of the meeting room and to require the provision of a footpath at the junction between Bosworth Close, Mill Hill and Coventry Road. However, the Transport Assessment that has been submitted demonstrates that the level of traffic generated by the proposed development would not justify such requirements and the Highway Authority have not advised that these measures are necessary.

Car parking

The Council's Vehicle Parking Standards SPD states that 2 spaces are required per classroom for staff and visitors plus facilities for picking up and setting down children or as determined by the Travel Plan and that provision should also be made for the set down and picking up of children by coach and bus, on or off-site, as appropriate.

The proposed plans show the provision of 9 classrooms and 24 car parking spaces. Whilst the detailed site and parking layout will be determined as part of any reserved matters submission, the current outline application contains sufficient information to demonstrate that the proposals would include suitable parking provision. The parking provision would be in accordance with the Council's Parking Standards and would include adequate provision for the set down and picking up of children, which is intended to be undertaken largely by a fleet of 7 minibuses.

Drainage and flood risk

As this is an outline application, details of foul sewerage have not been provided at this stage. However, there has been no objection from Severn Trent Water, subject to a condition to require drainage details. Therefore the proposals are considered to be acceptable in terms of foul drainage.

With regard to flood risk and surface water drainage, the Environment Agency have accepted the conclusions of the Flood Risk Assessment that has been submitted with the application. This concludes that the development would be located within Flood Zone 1 and would not be at unacceptable risk of flooding. The drainage system will be designed to ensure that surface water run-off from the site will not exceed green field run-off rates. Therefore the proposals are considered to be acceptable in terms of flood risk and surface water drainage, subject to a condition requiring full surface water drainage details.

Sustainability

One of the reasons for refusal for the 2010 application related to sustainability. It was determined that those proposals would undermine national planning objectives of creating more sustainable patterns of development and local policies seeking to limit development in the rural area to that which meets a local need. This was due to concerns about the rural edge of village location of the site, with limited public transport links. The current proposals would occupy the same edge of village location, albeit on an adjoining site.

Since the decision was made on the 2010 application, the NPPF has been introduced and this includes the following statement in relation to promoting sustainable transport (para. 29): "...the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas". It is also of relevance that a further 3.5 years have passed since the 2010 application was submitted without a suitable alternative site being found for the school. The extensive list of alternative sites considered by the applicant includes sites in more sustainable locations but none of these more sustainable sites were deemed to be suitable or available for the proposed school.

Another key change in circumstances since the 2010 application was considered is that the other two reasons for refusal have now been resolved (i.e. Green Belt policy and the setting of Listed Building and Scheduled Ancient Monument). Therefore, if Committee were to accept the recommendations in relation to those other two reasons for refusal (as well as the contamination reason for refusal of the March 2013 application), then the sustainability issue would be sole reason for refusal if objection was maintained on these grounds.

The applicant argues that the proposed school covers a large catchment area and so pupils will be travelling from distances not typical of normal schools. They point out that travelling to and from the existing Copsewood School in Coventry is well organised and designed to minimise the amount of vehicular movements. The proposals will result in a 16% reduction in private mileage when compared to the existing school sites in Coventry.

Having carefully considered the provisions of Paragraph 29 of the NPPF, the particular nature and wide catchment of the school, the proposed sustainable travel arrangements for the school and the continued lack of suitable and available sites in a more sustainable location, it is concluded that a refusal of planning permission would not now be justified solely on sustainability grounds.

A condition is recommended to secure the implementation of a Green Travel Plan.

Ecological impact

The site is surrounded by a number of Local Wildlife Sites and a Local Geological Site. There are records of badgers, grass snake and bats on or adjacent to the site. The mosaic of habitats on the site provides ideal opportunity for these protected species.

The applicant has submitted a Reptile Mitigation Strategy. This includes on-site mitigation as well as off-site mitigation on land to the west of the current application site that is in the same ownership. The County Ecologist has considered the proposed mitigation strategy and has raised no objection to the application, subject to conditions to require: (a) implementation of the Reptile Mitigation Strategy; (b) the submission of a Landscaping and Habitat Management Plan to secure further ecological enhancements; and (c) a further badger survey. The County Ecologist has confirmed that the proposed ecological enhancements would provide a net biodiversity gain. These measures would also ensure that grass snakes and other protected species are catered for during post construction.

For the above reasons it is considered that the proposals would have an acceptable ecological impact.

Other matters

The proposed access works will require the removal of one or two small trees. However, these are not significant specimens and the loss of these trees could be adequately compensated for by replacement planting to be secured as part of a landscaping scheme. The site is large enough to ensure that the development can be kept away from any of the more significant trees on the site.

No renewable energy details have been provided because this is an outline application. A condition is recommended to deal with this issue.

There has been no objection from the County Archaeologist and therefore the proposals are considered to be acceptable from an archaeological point of view. The site is unlikely to be of archaeological interest due to the significant mineral extraction and landfill operations that have taken place in the past.

Concerns have been raised about the impact on the public right of way along the western boundary of the site. The access to the site will cut across the right of way, but there has been no objection from the County Rights or Way Team or the Ramblers Association. The right of way will be retained on its current alignment. Furthermore the applicant has proposed to widen the existing footpath to 3 metres and to resurface the footpath with shredded bark. A condition is recommended to secure these improvements. Therefore the impact on the right of way is considered to be acceptable. There is no need to impose a

condition to require the right of way to be retained because this is controlled by other legislation.

Objectors have raised concerns about loss of access to an area of amenity land that has been used by the public for many years. However, there is no evidence to suggest that there is any public right of access to the application site (with the exception of the public right or way along the western boundary, which is to be retained). On the contrary, the history of the site indicates that it is very unlikely that there has been any formal public right of access, from the use in Victorian times as the grounds of a private house (Baginton Hall), to use for mineral extraction, to a landfill site, to a landowner pursuing various developments, to an extant planning permission for use as a private sports ground.

Concerns have been raised about the potential for future expansion over and above the size of school now proposed. However, a condition is recommended to limit the size of the building currently proposed to no larger than shown on the indicative plans. Any future expansion over and above the limited extensions allowed by permitted development rights would require planning permission. The impact of any such proposed expansion could be assessed at the time the application is submitted and, if the impact would be harmful, the Council would have the opportunity to refuse planning permission at that time.

Objectors have raised concerns about noise from children in close proximity to the church and graveyard. However, it is not uncommon to have schools in the vicinity of churches and graveyards and therefore this is not considered to be a justifiable reason for refusing planning permission. In any case, the application site only adjoins a small section of the boundary of the churchyard and any external noise is likely to be restricted to short periods of the day.

Objectors have raised concerns about the impact that increased traffic would have on air quality. However, the Transport Assessment demonstrates that there would be negligible impact on traffic on the wider highway network. There would be more of a local impact in Bosworth Close, but this would not be at a level that would have a material impact on air quality.

The security measures recommended by Warwickshire Police would be a matter to be considered as part of any reserved matters submission.

Objectors have raised a number of other issues, including the impact on the balance of village life, the lack of local facilities within Baginton and questioning the need for the school to be located adjacent to the meeting hall. However, these are either not planning issues, or they are issues that do not have a significant bearing on the assessment of the proposed development and would not justify a refusal of planning permission.

SUMMARY/CONCLUSION

The applicant has demonstrated very special circumstances that outweigh the harm to the Green Belt. Furthermore it is considered that the proposals would not impact on the setting of the Grade I Listed Church of John the Baptist, the

Baginton Castle Scheduled Ancient Monument or the Baginton Conservation Area to the extent that would justify a refusal of planning permission. The proposals are also considered to be acceptable in terms of highway safety, car parking, sustainability, the impact on the living conditions of neighbouring dwellings, the impact on the character and appearance of the area, drainage, flood risk, ecological impact and contamination. Therefore it is recommended that planning permission is granted, subject to conditions, and subject to a Section 106 agreement or Unilateral Undertaking to secure a contribution of £75,000 for capital improvements to the Millennium Field or some other form of community benefit within the Parish involving capital improvement works (to be completed by 18 March 2014).

CONDITIONS

- 1 Details of the appearance of the building(s), landscaping of the site, layout of the site and its relationship with adjoining development, and the scale of building(s) (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 full accordance with these reserved matters as approved.
REASON: To comply with Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995 (as amended).
- 2 Application for approval of the reserved matters shall be made to the local planning authority not later than three years of the date of this permission. **REASON:** To comply 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 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 The development hereby permitted shall be carried out in strict accordance with the details of surface and foul water drainage works that 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 DP11 of the Warwick District Local Plan 1996-2011.
- 5 The development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and

shall be maintained strictly in accordance with manufacturers specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. **REASON** : To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

- 6 The development hereby permitted shall not be commenced 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. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority. **REASON:** In the interests of fire safety.
- 7 The development hereby permitted shall not commence until a Landscape and Habitat Management Plan for the application site and the land to the east (edged blue on the site location plan) has been submitted to and approved in writing by the District Planning Authority. The plan should include details of habitat creation measures, native tree and shrub planting, as well as details of on-going management of these features for wildlife. Details of species proposed and sourcing of plants should be included as should proposed locations of bird boxes. Such approved measures shall thereafter be implemented in full. **REASON:** To ensure no net loss of biodiversity and to enhance opportunities for biodiversity at the site in accordance with the National Planning Policy Framework and Policy DP3 of the Warwick District Local Plan 1996-2011.
- 8 No part of the development hereby permitted shall be commenced until a further detailed badger survey, including timetabled mitigation measures where appropriate, has been carried out by a suitably qualified badger consultant and has been submitted to and approved in writing to the local planning authority. Any approved mitigation measures shall be implemented in accordance with the approved timetable. **REASON:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-2011.
- 9 No development shall take place until a site investigation has been designed for the site using the information obtained from the desk-top study. The proposed methodology for the site investigation shall be submitted to and approved in writing by the local planning authority prior to that investigation being carried out.

The investigation must include:

- (i) a risk assessment relating to:
6. human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems, and
 - archaeological sites and ancient monuments;
- (ii) a refinement of the conceptual model;
- (iii) a gas risk assessment for the proposed end use;
- (iv) the development of a remediation strategy; and
- (v) details of how the remediation works will be validated upon completion.

No development shall take place until the site investigation, risk assessment and remediation strategy have been undertaken and submitted to and approved in writing by the local planning authority and any remediation works have been completed in strict accordance with the approved details.

REASON: To safeguard health, safety and the environment in accordance with Policies DP3 & DP9 of the Warwick District Local Plan 1996-2011.

- 10 The development hereby permitted shall not be occupied until a verification report demonstrating the completion of the works as set out in the approved remediation strategy and the effectiveness of the remediation has been submitted to and approved in writing by the District Planning Authority. The reports shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. They shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority. **REASON:** To safeguard health, safety and the environment in accordance with Policies DP3 & DP9 of the Warwick District Local Plan 1996-2011.
- 11 No infiltration of surface water drainage into the ground across the area of the historical landfill site is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details. **REASON:** To safeguard health, safety and the environment in accordance with Policies DP3 & DP9 of the Warwick District Local Plan 1996-2011.
- 12 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the

local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details. **REASON:** To safeguard health, safety and the environment in accordance with Policies DP3 & DP9 of the Warwick District Local Plan 1996-2011.

- 13 Prior to commencement of the use / occupation of the development hereby permitted a Green Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the details contained therein and once implemented the Green Travel Plan shall not be withdrawn or amended in any way. **REASON:** In the interest of encouraging the use of alternative modes of transport with the aim of creating a more sustainable development in accordance with Policies SC12 & SC4 of the Warwick District Local Plan 1996-2011.
- 14 The school hereby permitted shall not be occupied unless and until the vehicular access, car parking, cycle parking and manoeuvring areas indicated on the drawings approved under any reserved matters submission have been provided and thereafter those areas shall be kept marked out and available for such use at all times unless otherwise agreed in writing by the local planning authority. **REASON:** To ensure that a satisfactory provision of off-street cycle parking, car parking and turning facilities are maintained at all times in the interests of the free flow of traffic and highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011.
- 15 The vehicular access to the site shall be constructed in strict accordance with drawing no. 0301. **REASON:** In the interests of highway safety and the free flow of traffic in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.
- 16 No lighting or illumination of any part of any building or the site shall be installed or operated unless and until details of such measures shall have been submitted to and approved in writing by the local planning authority and such works, and use of that lighting and/or illumination, shall be carried out and operated only in full 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 in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.
- 17 Within one month of the first use of the multi-use games areas hereby permitted:
 - (a) an acoustic assessment of the multi-use games areas when in maximum use shall be carried out to predict the facade noise levels at the nearest noise sensitive receptors (the assessment should be

designed in accordance with the principles of BS4142 (Method for rating industrial noise affecting mixed residential and industrial areas)); and (b) the acoustic assessment and details of any noise mitigation measures shall be submitted to and approved in writing by the local planning authority.

The mitigation measures shall be implemented in strict accordance with the approved details within 2 months of their approval and thereafter shall not be removed or altered in any way without the prior written approval of the local planning authority.

REASON: To ensure that the premises are not used in a manner prejudicial to or likely to cause nuisance or disturbance to the occupiers of nearby properties in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

- 18 No person shall use and no activity shall take place within the multi-use games areas before 0900 hours or after 1700 hours on Mondays to Fridays or before 1000 hours or after 1300 hours on Saturdays or at any time on a Sunday or Bank / Public Holiday. **REASON:** To ensure that the multi-use games areas are not used at a time which would be likely to cause nuisance or disturbance to nearby residents in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.
- 19 Any construction works that would be audible outside of the application site shall only take place between 0730 hours and 1700 hours on Monday to Friday or between 0730 hours and 1300 hours on Saturdays. No such works shall take place on Sundays or Bank Holidays. **REASON:** To limit the potential for construction activities to cause nuisance or disturbance to nearby residents in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.
- 20 The development hereby permitted shall not be occupied until the existing public footpath along the western boundary of the site has been widened to 3 metres and resurfaced in accordance with details that shall have been submitted to and approved in writing by the local planning authority. **REASON :** To ensure appropriate access to the proposed development and to ensure that the development does not result in a reduction in the attractiveness or useability of the public right of way, in accordance with Policies DP1, SC4 & SC12 of the Warwick District Local Plan.
- 21 The gross internal floor area of the development hereby permitted shall not exceed 1,761 square metres. **REASON :** To preserve the openness of the Green Belt, to protect the living conditions of nearby dwellings and to protect the setting of the nearby Grade I Listed Church and Scheduled Ancient Monument, in accordance with Policies DP1, DP2, DP4, DAP4 and DAP8 of the Warwick District Local Plan and the NPPF.

22 The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) ref. MS40819/FRA/ R001 Rev A produced by the JNP Group (dated May 2013) and the following mitigation measures detailed within the FRA:

(a) limiting the surface water run-off generated by the site to a rate of 11.1 l/s; and

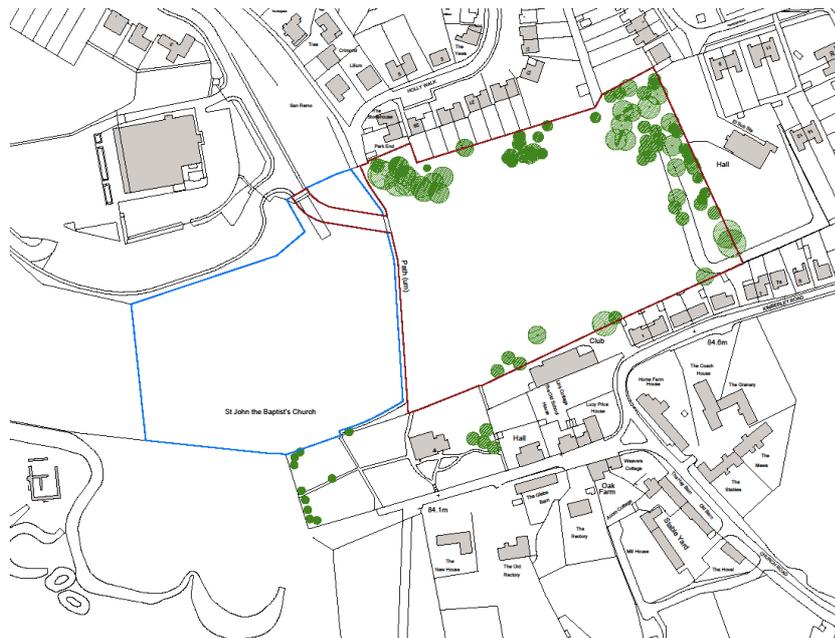
(b) provision of a Detention Pond designed to cater for the 1 in 100 yr plus climate change event with hydrobrake flow control.

REASON: To prevent flooding by ensuring the satisfactory storage of / disposal of surface water from the site, in accordance with the NPPF and Policy DP11 of the Warwick District Local Plan.

23 The development hereby permitted shall be timetabled and carried out in strict accordance with the Reptile Mitigation Strategy for Land off Bosworth Close, Baginton, by Ecolocation, dated 10th December 2013. The proposed refugia/hibernacula (as outlined in Appendix 5) shall be retained on site in perpetuity. **REASON:** To safeguard protected species and important habitats in accordance with the NPPF and Policy DP3 of the Warwick District Local Plan.

must not be copied or reproduced without the consent of the copyright holder.
 Figures and dimensions may only be taken from this drawing. DO NOT SCALE.
 All contractors must visit the site and be responsible for checking all settings
 out dimensions and notifying the architect of any discrepancies prior to any
 manufacture or construction work.

NOTES:



- Application Site Boundary
 - Other Land relating to Application
 - Existing Trees
- Site Area 25180m² (2.518 ha)

REVISIONS DATE NOTES

PLANNING

Client
 BAGINTON GREEN

Project
 NEW BUILD SCHOOL
 BAGINTON
 COVENTRY
 Drawing Title
 LOCATION PLAN

Drawn	Checked	Print Size	Scale	Date
SF	PT	A2	1:1250	13.03.12
Project No.	Drawing No.	Revision		
12853	0200	-		

CORSTORPHINE + WRIGHT

Brook Hill • Brook Street • Warwick • CV34 4BL
 T 01926 288992 • W www.corstorphine-wright.com

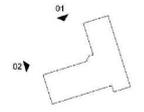


01 North Elevation



02 West Elevation

The rendering of this plan and elevation is intended to provide a visual representation of the proposed project. It is not intended to be used for construction purposes. All construction shall be in accordance with the approved plans and specifications. The rendering is not intended to be used for any other purpose. All construction shall be in accordance with the approved plans and specifications. The rendering is not intended to be used for any other purpose.



DATE	DESCRIPTION	BY	CHK
12/10/12	PLANNING		

CLIENT: BRIGHTON GREEN
 FROM: NEW BUILD SCHOOL
 BRIGHTON GREEN, NY
 DRAWING TITLE: Proposed Elevations
 SHEET 1 OF 2

NO.	DATE	BY	CHK	DESCRIPTION
1	12/10/12			PLANNING

CORSTORPHINE + WRIGHT
 Brook Hill, Brook Street, Moravia, NY 13152
 607.758.8892 • www.corstorphinewright.com

Planning Committee: 25 February 2014

Item Number: 9

Application No: W 14 / 0011

Town/Parish Council: Warwick

Registration Date: 06/01/14

Case Officer:

Penny Butler

Expiry Date: 03/03/14

01926 456544 penny.butler@warwickdc.gov.uk

12 West Street, Warwick, CV34 6AN

Change of use from Use Class A1 (retail) to Use Class A4 (drinking establishments) FOR Mr T Douglas

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.

DETAILS OF THE DEVELOPMENT

The proposal is for the change of use of the currently vacant ground floor retail unit (Use Class A1) to a drinking establishment (Use Class A4). The applicant describes their proposed use as a coffee and ale house, and their proposed layout plan shows three rooms with one bar, with a tea and coffee counter provided in the rear room.

A Premises License has been granted for the sale of alcohol between 10:00 and 23:00 Sunday to Thursday, and 10:00 to 24:00 Friday and Saturday. Opening hours under the licence are restricted to 10:00 to 23:00.

Non-recyclable refuse storage is proposed to be in the rear garden with collection by a private contractor, with recyclable waste to be taken to a recycling centre by the operator.

THE SITE AND ITS LOCATION

The application property is the ground floor unit in a terrace of properties on the western side of West Street. The site lies within the retail area of Warwick Town Centre as defined in the Local Plan, and within the Conservation Area. No.12 is the right hand part of a building split into two units at ground floor, with residential uses above. On the southern side is a barbers and on the northern side is a retail use. At the rear is a shared private access to garages, with a terrace of dwellings beyond fronting Friars Street. Lying opposite on West Street, are terraced dwellings including Listed Buildings.

PLANNING HISTORY

Planning permission was granted in 2000 (W/00/0098) for the conversion of living accommodation to three flats and a rear first floor staircase extension.

RELEVANT POLICIES

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- Vehicle Parking Standards (Supplementary Planning Document)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- TCP2 - Directing Retail Development (Warwick District Local Plan 1996 - 2011)
- TCP5 - Secondary Retail Areas (Warwick District Local Plan 1996 - 2011)

SUMMARY OF REPRESENTATIONS

Warwick Town Council: No comments available at time of writing report.

Public response: 10 letters of objection received raising the following concerns:

- Increased noise and disturbance associated with the internal use of the building and from customers standing outside the frontage smoking, and from associated comings and goings. Other commercial premises nearby close during the evening or attract limited number of customers for short periods
- Harm to character of Conservation Area
- Inappropriate use in a mainly residential area, with wholly residential uses opposite and above.
- A live music license may be applied for at a later date
- Contrary to Local Plan Policy TCP4 (Primary retail frontages)
- Sufficient drinking establishments in the surrounding area exist, and there are other more suitable vacant premises for the proposed use.
- Increased traffic and parking requirement. All on street spaces are occupied in the evening by surrounding residents with no off street parking.
- Loss of privacy to dwellings opposite
- No provision for smokers, which may lead to use of the rear garden or smokers standing on the street. The rear of the property has an open garden shared with no.14, and there is only a low wall separating these from no.16. It is feared that the rear garden would be used as a smoking area, which would lead to a loss of privacy and security for neighbours.
- Customers may park on the shared access at the rear which would block access for neighbours.

One letter of support raising the following points:

- With many closures of nearby licensed premises in recent years, the opening of a specialist real ale outlet is welcomed as an enhancement to the already thriving real ale offering in Warwick.

- Unique quality niche licensed premises, responsibly operated and monitored, should be seen as a welcome addition to Warwick's economy

CAF: This use was considered not to be appropriate to neighbours on environmental grounds. Environmental Health should be consulted on grounds of noise to neighbours in this residential area. Felt to be detrimental to the Conservation Area.

Environmental Health: No objection, following negotiation to remove amplified music from the premise licence.

Waste Management: No comments available at time of writing report.

Warwickshire Police: Raise no objection and recommend crime prevention measures.

ASSESSMENT

Principle of use

The site is within a defined secondary retail area where non-retail uses are controlled in order to protect the vitality and viability of the town centre. Policy TCP5 applies to such areas and does not permit more than 50% of street frontages to be in non-retail use, or greater than 16m of continuous frontage to be non-retail. Since there are retail uses adjoining each side of the site, the second criterion would be complied with. The existing frontage which runs from no.44 to no.8, including the proposed use, would result in 36% of the units in the frontage being in non-retail use. Since this is below the 50% limit the proposed use is acceptable in principle, since it would comply with Policy TCP5. Policy TCP2 would also be complied with since an A Class use is being retained.

Impact on character of Conservation Area

There are no external changes proposed to the building, therefore, the use within the building would not alter the visual appearance of the Conservation Area. The concerns raised by local residents relating to a change in the character of the Conservation Area are noted, however, given this is a small unit with a limited width of frontage, lying within an allocated retail area within the town centre, where there are other public houses nearby, it is not considered that the use would have a significant impact upon existing character. The use would lead to customers standing on the pavement outside the front of the building smoking, but given the limited size of the unit, such numbers are not likely to regularly be of a level that would harm the existing mixed character of the area. If tables and/or chairs were desired on the pavement then a separate licence from the Highway Authority would be required. Should such a licence be granted, it is not considered that this would harm the character of the area, as a table and chairs are already sited outside the fish and chip shop at no.24. Future signage could be controlled by a separate application for advertisement consent if required. The proposed change of use is therefore considered to comply with Policy DAP8, since

it would preserve the special architectural and historic interest and appearance of the Conservation Area.

Impact on residential amenity

Generally such uses have the potential to create noise and disturbance to surrounding residents, therefore the matter has been carefully considered by the Environmental Health Officer. It is material to consider the existing uses in the vicinity of the application site, where there is a take away next door but one, a further take away 25m to the south, and a public house/restaurant 120m to the south. Dwellings lie on the opposite side of the road, and there are residential flats directly above the premises comprising three flats occupying the first floor of 12-14 West Street, with residential also above the neighbouring retail unit (no.10). West Street is a main traffic route into the town where there are numerous public houses.

Upon discussion with the applicant, Environmental Health raised concerns regarding the potential for the proposed use to cause disturbance to surrounding residential premises arising as a result of noise from regulated entertainment at the premises. To quell these concerns, the applicant agreed to submit a minor variation to remove recorded music from their premise license, and reduce performances to unamplified live music with a limit of two performers. This variation was accepted by Warwick District Council and became effective as of 5th February 2014. In light of this, Environmental Health have no adverse comment on the application. Given that the application site lies within a designated retail area where the proportion of non-retail uses are limited, but in the case of this proposal complied with, that there is not a proliferation of A5 uses in the immediate area, and there is no evidence of pre-existing noise and disturbance associated with anti-social behaviour, it is considered there are insufficient grounds to refuse the application on amenity grounds. However, suitable conditions are required to exercise control over the use, in the interests of preserving amenity, to include opening hours limited to the licence (10.00-23.00), no use of the rear garden by customers, and all refuse storage to be within the rear garden. With these controls, the proposal would not cause unacceptable noise pollution or harm to resident's amenities, and would comply with Policies DP2 and DP9. Sufficient provision for waste storage are provided without detriment to the street scene, in accordance with Policy DP1.

Impact on parking

The existing use has no off street parking provision, however, the proposed A4 use has the same parking requirement as the existing A1 use, according to the Council's adopted Vehicle Parking Standards SPD (one space per 50sq.m). The proposed use would not therefore lead to a greater parking demand, although the use would be likely to move the requirement towards evening hours when residential parking demand is also higher. The floor space of the unit is some 57sq.m, therefore requiring 1.14 parking spaces. Given the extremely low requirement it is unlikely that the required parking demand would lead to a material impact on the existing parking situation, the site is sustainably located in the town centre and since the existing use is not restricted to operating during

daytime hours, there are insufficient grounds to refuse permission due to insufficient parking. The proposal is not therefore considered to conflict with Policy DP8.

Summary/Conclusion

The proposed use would not cause unacceptable levels of noise pollution or other disturbance, would maintain the retail predominance of the frontage, and would preserve the character and appearance of the Conservation Area. The proposal would therefore comply with the policies listed.

CONDITIONS

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

- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) (Promap submitted on 13 January 2014. Floor plan submitted on 6 January 2014), and specification contained therein. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

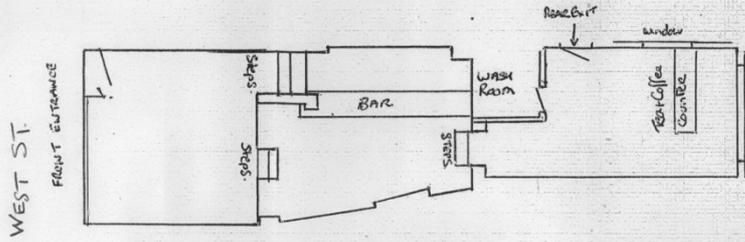
- 3 The use hereby permitted shall only be open to the public and customers during the hours of 10.00 and 23.00 Monday to Sunday. **REASON:** To ensure that the buildings are not used at a time which would be likely to cause nuisance or disturbance to nearby residents in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

- 4 All refuse associated with the use hereby permitted shall be stored within the rear garden area edged blue on the approved Promap drawing submitted on 13 January 2014. **REASON:** To prevent refuse storage on the frontage where it would adversely impact on the street scene and Conservation Area, in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.

- 5 There shall be no use by public or customers of the rear garden area edged blue on the approved Promap drawing submitted on 13 January 2014. **REASON:** To protect the amenities of nearby residents in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

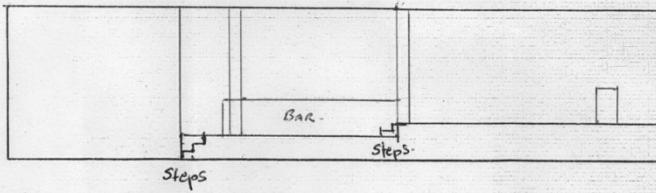


(NEW) FLOOR PLAN OF 12 WEST ST. WARWICK SCALE 1:100 W20140011



WARWICK
DISTRICT COUNCIL
PLANNING
DEPARTMENT
- 6 JAN 2014

1	2
3	4



Application No: W 14 / 0040

Town/Parish Council: Kenilworth
Case Officer: Penny Butler

01926 456544 penny.butler@warwickdc.gov.uk

Registration Date: 13/01/14

Expiry Date: 10/03/14

33-35 Abbey End, Kenilworth, CV8 1QJ

Proposed change of use of unit 33 from Use Class A3 (restaurant) and unit 35 from A1 (retail) to A4 (drinking establishments). Erection of a single storey rear extension to unit 35. FOR Mr Kuller

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The proposal is for the change of use of the currently vacant ground floor retail unit (Use Class A1) at no. 35, and the ground floor restaurant which is still in use (Use Class A3) at no. 33 to a drinking establishment (Use Class A4). The proposed layout plan shows the two units knocked into one with one large room containing the bar, a kitchen, toilets and preparation room.

A single storey rear extension is proposed at the rear of no.35 to provide toilet facilities, which will be flat roofed to tie in with the existing flat roof rear extension to no. 33. Refuse storage will be provided within an enclosed area at the rear, as requested by the Refuse Officer. A premise licence was granted in November 2013 with the opening hours of 07.00-01.00 Monday to Sunday, with live music (limited to two performers unamplified) till 24.00.

THE SITE AND ITS LOCATION

The application site consists of the ground floor unit numbered 33 and 35 which are sited at the southern end of the terrace of commercial units on the eastern side of Abbey End. The site lies within the retail area of Kenilworth Town Centre as defined in the Local Plan, and within the Conservation Area. No.12 is the right hand part of a building split into two units at ground floor, with residential uses above. On the southern side is a barbers and on the northern side is a retail use. At the rear is a shared private access to garages, with a terrace of dwellings beyond fronting Friars Street. Lying opposite on West Street, are terraced dwellings including Listed Buildings.

PLANNING HISTORY

Planning permission was granted for improvement to the shop fronts, rear extensions and a front canopy to the block in 2001, and for a rear extension to no.33 in 1976 and 1986. Various permissions have been granted for advertisements on both units between 1975 and 1995.

RELEVANT POLICIES

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- Vehicle Parking Standards (Supplementary Planning Document)
- TCP2 - Directing Retail Development (Warwick District Local Plan 1996 - 2011)
- TCP5 - Secondary Retail Areas (Warwick District Local Plan 1996 - 2011)

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: Raise objection on the following grounds:

- Loss of A1 use and an increasing number of drinking establishments, due to extant permission on the neighbouring and pending redevelopment. Two bars in such close proximity was considered to be over-concentration.
- Concern regarding the adverse environmental impact on the residential flats above. (Members draw Officers attention to the recent Planning Appeal decision on application W/13/0257 at Russell St, L'Spa for change of use from office to residential adjacent to a public house)
- Concern because the property is so close to the heavily utilized pedestrian walkway leading to/from the car park, the Senior Citizens facility, the Kenilworth Centre and Wilton Court. Notwithstanding a designated 20 mph speed limit, the area will become more dangerous because of brewery deliveries.
- The rear extension proposed will reduce waste storage and access in an already congested area, as well as affecting day deliveries on a site adjacent to two 90-degree road bends.

Public response: One objection received from no. 11 Abbey End (above) raising the following concerns:

- Harm to character of area
- Loss of privacy
- Noise and disturbance, especially late at night as the use is below them, and in addition to The Almanac.
- Increase traffic generation, especially taxis, and the bus/taxi area adjacent is already very busy due to The Almanac.

Health and Community Protection (EHO): Were consulted on the premises licence which has been granted, and have resolved all concerns. No adverse comments subject to a condition requiring submission of a sound insulation

scheme, in association with any internal decoration or renovation scheme, to prevent disturbance to the adjoining residential accommodation.

Waste Policy and Performance: The refuse and recycling bins must be stored on the footprint of the development and within a purpose built bin compound screened from view.

Police: No comments available at time of writing report. Comments will be reported directly to Planning Committee.

Community Protection: No comments available at time of writing report. Comments will be reported directly to Planning Committee.

Warwickshire Police: Raise no objection and recommend crime prevention measures.

ASSESSMENT

Principle of use

The site is within a defined secondary retail area where non-retail uses are controlled in order to protect the vitality and viability of the town centre. Policy TCP5 applies to such areas and does not permit more than 50% of street frontages to be in non-retail use, or greater than 16m of continuous frontage to be non-retail. Since the Subway unit occupying no. 37 falls under a retail use, the second criterion would be complied with. The existing uses in the frontage which runs from no.33 to no.59, including the proposed use, would result in 36% of the units in the frontage being in non-retail use. Since this is below the 50% limit the proposed use is acceptable in principle, since it would comply with Policy TCP5. Policy TCP2 would also be complied with since an A Class use is being retained.

Impact on visual amenity and character of area

The proposed extension would not have a significant impact upon visual amenity, since the proposed extension would tie in with the existing, and that on the adjoining neighbouring unit. The bricks will match those on the existing building. The concerns raised by local residents relating to a change in the character of the area are noted, however, given the premises lie within the town centre where there are other public houses nearby, it is not considered that the use would have a significant impact upon existing character. If tables and/or chairs were desired on the pavement then a separate licence from the Highway Authority would be required. Should such a licence be granted, it is not considered that this would harm the character of the area, as tables and chairs are already sited outside The Almanac. The use would lead to customers standing on the pavement outside the front or side of the building smoking, but given the wide pavement and the existence of these outside The Almanac, this would not be out of character. Future signage could be controlled by a separate application for advertisement consent if required. The proposed change of use is therefore

considered to comply with Policy DP1, since it would not harm the character of appearance of the area.

Impact on residential amenity and crime

Generally A4 uses have the potential to create noise and disturbance to surrounding residents, therefore the matter has been carefully considered by the Environmental Health Officer. It is material to consider the existing uses in the vicinity of the application site, where there is a take away and restaurant in the same terrace, and a public house at the northern end of Abbey End 75m away (The Almanac). There are flats directly above the premises and also above the under pass adjacent. Abbey End is a main traffic route into the town where there are numerous public houses. The under pass adjacent provides access to the car park, and links to a public footpath running between residential properties to Southbank Road. There was an appeal allowed to change the use of approved units on the opposite side of the under pass, but this has expired (ref. W/08/0091). The case referred to by the Town Council (Russell St, L'Spa) is similar in that flats were proposed in close proximity to and A4 use, but with a much closer relationship with windows opening directly into a pub garden.

The applicant has been granted a premises licence, on which Environmental Health were consulted, and were able to address concerns regarding the potential for the proposed use to cause disturbance to surrounding residential premises. Environmental Health therefore have no adverse comment on the application, subject to the imposition of a condition requiring a noise insulation scheme to be submitted with any internal renovation scheme. This is because the existing building provides adequate noise attenuation, but this should not be compromised by any future alterations.

Given that the application site lies within a designated retail area where the proportion of non-retail uses are limited, but in the case of this proposal complied with, that there is not a proliferation of A5 uses in the immediate area, and there is no evidence of pre-existing noise and disturbance associated with anti-social behaviour, it is considered there are insufficient grounds to refuse the application on amenity grounds. However, suitable conditions are required to exercise control over the use, in the interests of preserving amenity to include opening hours limited to the licence (07.00-01.00 which is the same as The Almanac), and the refuse store to be provided prior to the use commencing. With these controls, the proposal would not cause unacceptable noise pollution or harm to resident's amenities, and would comply with Policies DP2 and DP9. Sufficient provision for waste storage are provided without detriment to the street scene, in accordance with Policy DP1.

The views of the Community Safety Officer have been requested and will be reported directly to Planning Committee, whilst Warwickshire Police raise no objection to the proposed use. Policy DP14 requires development to minimise the potential for crime and anti-social behaviour and improve community safety, whilst the NPPF requires that crime and disorder, and the fear of crime, does not undermine the quality of life or community cohesion (para. 58). In the absence of evidence demonstrating that there is an existing crime problem, it is not

considered reasonable to refuse the application on the grounds of public safety, as the use in itself cannot be proven to increase crime.

Impact on parking

The existing use has two off street parking spaces at the rear, and the proposed A4 use has the same parking requirement as the existing A1 use, according to the Council's adopted Vehicle Parking Standards SPD (one space per 50sq.m). The proposed use would not therefore lead to a greater parking demand. The floor space of the unit is some 201sq.m, therefore requiring 4.18 parking spaces. Given the sustainable location of the use, in the town centre with a public car park adjoining the use, and the fact that the existing parking requirement is the same of the proposed, there are insufficient grounds to refuse permission due to insufficient parking. The proposal is not therefore considered to conflict with Policy DP8.

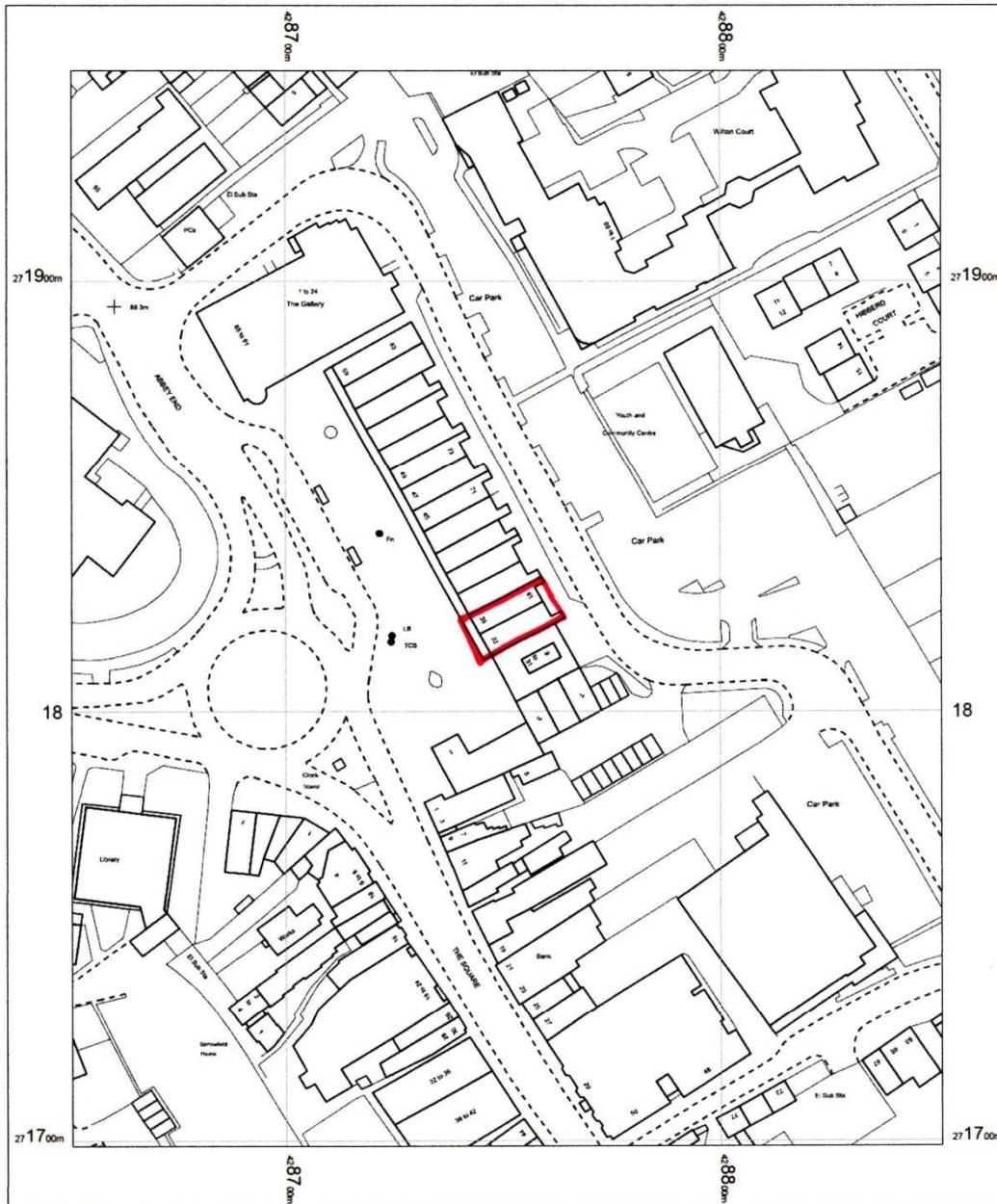
SUMMARY/CONCLUSION

The proposed use would not cause unacceptable levels of noise pollution or other disturbance, would not materially worsen the existing on street parking situation, would not harm visual amenity and would maintain the retail predominance of the frontage. The proposal would therefore comply with the policies listed.

CONDITIONS

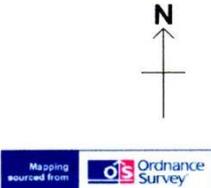
- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) (4272-01-A submitted on 28 January 2014), and specification contained therein. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 The use hereby permitted shall only be open to the public and customers during the hours of 07.00 and 01.00 Monday to Sunday. **REASON:** To ensure that the buildings are not used at a time which would be likely to cause nuisance or disturbance to nearby residents in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.
- 4 The use hereby permitted shall not be brought into use prior to the provision of the refuse store shown on the approved drawing (no.01A submitted on 28 January 2014). **REASON:** To ensure suitable refuse storage is provided for the use, in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.





35 Abbey End Kenilworth CV8
1QJ

OS MasterMap 1250/2500/10000 scale
13 January 2014, ID: M4P-00287022
NFS Distribution LLP
1:1250 scale print at A4, Centre: 428751 E, 271824 N
©Crown Copyright Ordnance Survey. Licence no. 100025026



Planning Committee: 25 February 2014

Item Number: 11

Application No: W 14 / 0035

Town/Parish Council: Warwick

Registration Date: 13/01/14

Case Officer:

Penny Butler

Expiry Date: 10/03/14

01926 456544 penny.butler@warwickdc.gov.uk

Land at Vine Lane, Warwick, CV34 5BT

Erection of 3 no. one bedroomed starter homes with 3 no. integral car ports.
Demolition of existing garages. FOR Anton Gerard Ltd

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.

DETAILS OF THE DEVELOPMENT

The proposed development is for the erection of a terrace of three 1-bedroom houses in a two storey block with undercroft parking for three cars, following the demolition of two existing lock-up garages on the site. The proposed building will be set back from the boundary of the application site with the edge of the carriage way, and will provide a 1.4m wide foot way. There is no foot way in front of the site currently. The undercroft parking will be accessed via three individual openings with arched brick heads. The proposed front elevation will be similar to the traditional styled modern houses each side, but taller than the two storey terrace to the east, and slightly lower than the two storey (with attic accommodation) terrace to the west with a lower eaves line. Dormer windows to bedrooms are proposed on the front elevation with living room windows at first floor, and at the rear is a single storey projection providing half glazed entrance doors to the dwellings and their kitchens with single windows and roof lights. The side elevations are blank, whilst at first floor on the rear elevation there are obscure glazed staircase windows with roof lights to bathrooms above. Solar PV panels are provided on the main rear southern roof slope. Cycle and bin storage is provided in the shared rear garden, and pedestrian access to the building is provided between the side of no.1 and the application building with access from the rear garden.

THE SITE AND ITS LOCATION

The application site formed the rear gardens of houses fronting Paradise Street to the south (no.38 is in separate ownership and the applicant owns no.36), and provided vehicular access into the rear garden for no.36. The site currently contains two unattractive lock up garages which project forwards of the buildings

each side, following a bend in the road. The site stands between terraces of modern development each side fronting Vine Lane, whilst there are Victorian terraces to the rear, and 1950/60s houses and bungalows opposite. The site is within a residential area close to the hospital.

PLANNING HISTORY

An application for similar development was withdrawn in 2012 (W/12/0728). This application proposed four flats with four parking spaces on the site frontage, and clear glazed windows were proposed at first floor level on the rear elevation. In 2013 an application was refused for a two storey block of four flats with four undercroft parking spaces (W/13/0646). This building was taller, with a two storey projecting rear wing and single storey projecting front canopy. The reasons were that insufficient provision was made for car parking, and that the design, mass and siting of the building was out of character with the area.

RELEVANT POLICIES

- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- Distance Separation (Supplementary Planning Guidance)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- National Planning Policy Framework
- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- Open Space (Supplementary Planning Document - June 2009)
- Vehicle Parking Standards (Supplementary Planning Document)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)

SUMMARY OF REPRESENTATIONS

Warwick Town Council: No comments received at time of writing report. Comments will be reported directly to Planning Committee.

Public response: Seven objections and a petition containing 40 names received raising the following concerns:

- Loss of existing parking space for no.36 Paradise St. and insufficient provision for proposed development which would exacerbate existing traffic issues and

illegal parking problems, harming highway and pedestrian safety, and increasing pollution and noise. The recent Bunch of Grapes housing development has added to this problem. Parking permits for the development should be revoked. There is regular illegal parking overnight due to a lack of spaces. Residents with permits will have to park further from their homes within the W3 zone.

- Dwellings parking on the site would reverse onto the frontage of houses opposite.
- Loss of amenity, view and light to surrounding properties.
- Loss of privacy from first floor living rooms to houses opposite.
- Over development and excessive density.
- Does not comply with distance separation standards.
- Does not respect the predominantly Victorian architecture of the surroundings.
- Projects forward of the building line and is too high. The ridge height should match no. 19 Vine Lane, not the dwellings in Vine Court which are too tall.
- Access for construction will block the road.
- The living accommodation is very restricted.
- Construction materials are queried.
- Existing garage roofs contain asbestos and removal of this will affect neighbours health.
- Refuse storage adjacent to the boundary of no.1 Vine Court will harm their amenity.
- The internal size of the living accommodation is unacceptably restrictive and will not provide adequate living conditions. Front doors should be provided. Access into the building by the rear only will compromise fire safety.
- Inaccurate plans showing incorrect rear boundary line and air raid shelter.

WCC Ecology: Recommend a bat note.

WCC Archaeology: The plans have been amended to show the air raid shelter within the application site will not be affected so there is no further comment.

Waste Management: The development would be on an alternate week collection service and must provide storage for 3x180 litre bins and 3x240 litre bins on the site, and recycling boxes/bags.

WCC Highways: No objection subject to conditions for drain protection and a foot way crossing.

Cultural Services (Green Infrastructure Manager): The additional residents would put pressure on existing open space in the locality of the development and therefore a contribution towards the improvement of open space in the locality is required in order to mitigate the impact of this increased use.

ASSESSMENT

The key issues in the determination of this application are the impact of the development on neighbouring amenity, visual amenity and highway safety.

Impact on neighbouring amenity

Policy DP2 requires development to not lead to an unacceptable adverse impact on the amenity or nearby users or residents, and to provide acceptable standards of amenity for future users/occupiers of the development. The Residential Design Guide also requires development to take account of the impact on neighbouring properties, and in particular sets out the 45 Degree Guideline for assessing over-development, loss of privacy and dominance over adjoining dwellings, and to secure reasonable standards of outlook and amenity, and the Distance Separation Standards for limiting the potential for over-development, loss of privacy and dominance over adjoining dwellings, and to secure a reasonable standard of amenity and outlook for local residents.

The proposed building has living rooms at the front on the first floor and bedrooms within the roof space above. Windows in the rear elevation at first and second floor are obscure glazed, with clear glazing only at ground floor level. There is no directly relevant distance separation standard which can be applied at the front, since standards are only specified between three storey houses with bedrooms on upper floors, or other habitable rooms on upper floors, not a combination of living rooms and bedrooms as the proposed application. These standards are 27m or 32m, and in this case there is a gap of 28m to the houses on the opposite side of Vine Lane. Given there is a public road lying between the dwellings, the level of existing privacy of the front windows opposite is less than within rear gardens, and since the proposed building is in line with the terrace of houses to the eastern side which also have dormer windows, this is not considered unreasonable or out of character as there would be a similar relationship.

At the rear since the proposed building has only obscure glazing to the upper floors, where overlooking can lead to privacy issues, so the standard relating to blank elevations is applied to the houses at the rear. The dwellings to the rear are two storey with roof lights and can therefore be treated as three storeys. There is no applicable standard for this arrangement, but the standard between two storey buildings, where one is blank, is 12m. The standard for a two storey house facing a blank three storey house is 16m. The distance separation provided by the proposed development is 17.5m which exceeds the nearest standard and it is therefore considered to provide an acceptable standard of amenity for the rear neighbours and the occupiers of the development. It is considered that this distance would provide both sides with a reasonable level of privacy and outlook. It is not considered that overlooking between the ground floor roof lights of the kitchens and the houses at the rear would be significant, due to the limited viewing angle of the openings. The building would not cause substantial loss of light to the neighbours at the rear due to the distance separation and the location of the development to the north. The proposed dwellings would have a shared rear garden 6m deep by 11m wide which does not appear out of character with the surrounding rear gardens.

The building complies with the 45 degree guideline taken from the front and rear windows of the dwellings each side of the site. At the front the existing outlook would be improved for neighbours since the garages being demolished project

further forwards than the proposed building. For these reasons the proposal is considered to comply with Policy DP2 and the Residential Design Guide.

Impact on highway safety

The site contains two single lock up garages and previously provided an off road parking space for no.36 Paradise Street, although the parking area has been fenced off. The garages and land have not been used for parking in association with no.36 in recent years, therefore, it is not considered that permission could be refused on the basis that parking for no.36 would be lost. The concerns raised relating to parking and highway safety in the vicinity are noted and have therefore been carefully considered by the Highway Authority.

The proposals include the provision of 3 under croft car ports for 3 one-bedroomed dwellings. The car ports have internal widths of 3m to ensure there is adequate space for car doors to open, and there is adequate manoeuvring space for vehicles to access the spaces without using private land opposite. This accords with the Council's Vehicle Parking Standards requirements. Previously concerns have been raised by local residents with respect to the impact of the development on on-street parking in this area, where Vine Lane has a carriageway of varying widths. To the east of the site it is wide enough for two way traffic to pass, however the northern side of the carriageway has some on-street parking provision. Across the site frontage, the carriageway narrows to a single way movement of vehicles and to the west of the site it widens again to two way movement of traffic for a short distance only, with a road narrowing followed by a further pinch point before it connects back with Woodville Road. With the exception of the small section for on-street parking, the road is subject to double yellow lines preventing on-street parking.

The highways in the immediate area (with the exception of Sharpe Close) are within a Residents Parking Zone (W3). Dwellings within this area are eligible to apply for residents parking permits within the W3 zone. This zone also extends to a number of roads further out from the site. The permits enable residents to park on the surrounding streets covered by W3 during the times when parking for non-permit holders is restricted. With the proposed development providing parking in line with the standards and property no's. 36 & 38 already within the parking zone (thereby currently eligible for parking permits), should there be any demand for parking permits by the future residents of the proposed development, the impact would be minimal in view of the type of units proposed. The location of the site is highly sustainable being within walking distance of the town centre, local services (schools, hospital, etc) and rail station/bus links which would again potentially reduce the need for a private car. It is therefore the opinion of the Highway Authority that the proposed development will not impact on the surrounding public highway to the detriment of highway safety. On this basis, the proposed parking provision and layout would be in accordance with Policies DP6 and DP8.

Impact on visual amenity

Policy DP1 only permits development which contributes positively to the character and quality of its environment through good layout and design. It requires proposals to reinforce or enhance the established urban character of streets, reflect, respect and reinforce local architectural and historical distinctiveness, and respect surrounding buildings in terms of scale, height, form and massing. The Residential Design Guide also provides a design framework for maintaining and enhancing the distinctive qualities of the District's towns.

The height of the proposed building is considered appropriate in this location as the ridge height is lower than the terraces of dwellings each side. The design of the building is similar to the modern Victorian style houses each side of the application site and incorporates similar architectural features, whilst the materials can be conditioned as appropriate. The arched openings to the car ports will be similar in appearance to that under Vine Court and the recent Bunch of Grapes development. Since the building will not project forward of its neighbours and will be lower it will not form an unduly prominent feature in the street scene, as it will blend in with the size, design and appearance of its setting. The development would not appear out of character or harmful to the established pattern of Victorian and modern terraced dwellings, and would therefore comply with Policy DP1 and the Residential Design Guide, and the NPPF which places a strong emphasis on good design.

Sustainability

Two solar photovoltaic panels are proposed on the rear (southern) roof slope to achieve a 10% energy saving in accordance with the Sustainable Buildings SPD and Policies DP12 and DP13.

Other matters

Severn Trent Water have confirmed that there is capacity in the existing public foul system, and it is proposed to provide a surface water soakaway, details of which could be secured by condition.

Bin storage space is shown in the rear garden adjacent to the side boundary of no.1 Vine Court. This is considered acceptable given that only domestic waste for three properties will be stored here, within enclosed wheelie bins, where it will be screened from general view.

A contribution towards the improvement of public open space in the vicinity, as no provision is made on site, is justified and could be required by condition.

A bat survey has been carried out to the satisfaction of the County Ecology service.

The proposed units are small but are considered to provide adequate living accommodation and conditions.

SUMMARY/CONCLUSION

The proposed development is of an acceptable standard of design which would harmonise with the design and appearance of its surroundings and does not result in an unacceptable adverse impact on the amenity of nearby residents by reason of overbearing effect, loss of light or privacy, and would make appropriate provision for the parking of vehicles. The proposal is therefore considered to comply with the policies listed.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) (323-15; 323-14; 323-15 submitted on 13 January 2014. 323-13A submitted on 28 January 2014), and specification contained therein. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 Samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the local planning authority before any construction works are commenced. Development shall be carried out in accordance with the approved details. **REASON :** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.
- 4 The development hereby permitted shall be carried out in strict accordance with the details of surface and foul water drainage works that 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 DP11 of the Warwick District Local Plan 1996-2011.
- 5 Unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy SC13 of the Warwick District Local Plan 1996-2011:

(i) no development shall commence unless or until a scheme for such provision or improvement (identifying the size/extent, location and specification of the space and works) has been submitted to and approved in writing by the Local Planning Authority; and

(ii) the dwellings hereby permitted shall not be occupied until the scheme so approved has been implemented.

REASON: To ensure the necessary infrastructure and facilities are provided in accordance with Policy SC13 of the Warwick District Plan 1996 – 2011.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development shall be carried out which comes within Class A, Class B, or Class E of Part 1 of Schedule 2 of this Order. **REASON:** That due to the restricted nature of the application site and its relationship with adjoining properties it is considered important to ensure that no additional development is carried out without the permission of the local planning authority in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011.
- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) the windows and roof lights to be formed in the rear (south) facing elevation of the building hereby permitted shall only be glazed or re-glazed with obscure glass and any opening part of any window shall be at least 1.7m above the floor of any room in which the window is installed. **REASON:** In the interests of the amenities of the occupiers of nearby properties in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011.
- 8 The development hereby permitted shall not be first occupied unless and until the renewable energy scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturers specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. **REASON :** To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.
- 9 None of the dwelling(s) hereby permitted shall be occupied unless and until the car parking provision for that dwelling(s) has been constructed or laid out in accordance with approved drawing number 323-14 submitted on 13 January 2014, and made available for use by the occupants and / or visitors to the dwelling(s) and thereafter those spaces shall be retained for parking purposes. **REASON:** To ensure the satisfactory provision of off-street vehicle parking facilities in accordance with the local planning authority's standards and in the

interests of highway safety and the satisfactory development of the site in accordance with Policies DP1 & DP8 of the Warwick District Local Plan 1996-2011.

- 10 No use of the development hereby permitted shall commence unless and until a public highway footway crossing has been constructed to the site in strict accordance with the standard specification of the Highway Authority. **REASON:** To ensure that a footway crossing is available for use when the development commences thereby enabling safe and convenient access to and egress from the site in the interests of the safety of road users and pedestrians in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.
 - 11 The access to the site shall not be reconstructed in such a manner as to reduce the effective capacity of any drain within the limits of the public highway. **REASON:** In the interests of highway safety in accordance with Policies DP8 of the Warwick District Local Plan 1996-2011.
 - 12 The development hereby permitted shall not be occupied unless and until the external refuse storage area for the development shown the approved drawing no.323-13A submitted on 28 January 2014 has been constructed or laid out and made available for use by the occupants of the development and thereafter those areas shall be retained for refuse storage purposes. **REASON:** To ensure the satisfactory provision of refuse storage facilities in the interests of amenity and the satisfactory development of the site in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.
-





Planning Committee: 25 February 2014

Item Number: 12

Application No: W 14 / 0080

Town/Parish Council: Barford

Registration Date: 21/01/14

Case Officer: Penny Butler

Expiry Date: 18/03/14

01926 456544 penny.butler@warwickdc.gov.uk

2 Westham Lane, Barford, Warwick, CV35 8DP

Construction of one dwelling, new access and associated works. FOR Mr S Peters

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

RECOMMENDATION

Planning Committee are recommended to GRANT planning permission, subject to conditions.

DETAILS OF THE DEVELOPMENT

It is proposed to erect a three bedroomed house in the rear garden of no.2 Westham Lane, with a new vehicular access from the Lane. The house would be positioned to provide a 12m deep rear garden with a separation of 3m to the side boundary with the nursery and 2m to the boundary with no.2. Two parking spaces are proposed on the frontage at the side. The house is a simple traditional cottage design with a central front porch, bay window to one side, arched stone lintels above ground floor openings, brick plinth, verge brick dentil course and chimney. Materials would comprise plain clay tiles and facing red bricks of an agreed colour.

THE SITE AND ITS LOCATION

The site is located adjacent to the corner of Wellesbourne Road and Westham Lane, in the Barford Conservation Area and within the village envelope. The existing house, no. 2, is angled at 45 degrees towards the road junction, with a large detached building with first floor accommodation above in the front garden (the ground floor of which was converted from garaging). In the rear garden is a detached timber outbuilding close to the boundary with no.32 Wellesbourne Road and a small timber shed. The rear garden boundary is marked by a low wall and there is some tree and shrub planting either side of this wall, forming the current boundary of the village. The garden boundary onto Westham Lane is marked by a hedge and to the rear (west) of the site is open land at the front of a nursery centre (where there is a current planning application being considered for 60 dwellings).

PLANNING HISTORY

No.2 Westham Lane was approved in 1954. One and two storey extensions and a detached garage with storage above were approved in 2003.

In 2008 planning permission was refused for "Erection of a detached bungalow to serve a local need" (Ref. W08/0788). A subsequent appeal was dismissed.

Planning permission was refused in 2013 (W/13/1153) for a larger five bedroomed detached house with separate garage. The size of the proposed dwelling and layout of the development, in close proximity to no.2 which has been substantially extended, was considered harmful to the spacious character of development in the area. The proposals were considered to represent an unduly cramped form of development that harmed the character and appearance of the Conservation Area. Insufficient space for tree planting of significance on the western boundary was included, therefore the proposals represented an unacceptable intrusion into the surrounding countryside.

RELEVANT POLICIES

- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- Distance Separation (Supplementary Planning Guidance)
- RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- National Planning Policy Framework
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Open Space (Supplementary Planning Document - June 2009)
- Vehicle Parking Standards (Supplementary Planning Document)
- Warwickshire Landscape Guidelines SPG
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)

SUMMARY OF REPRESENTATIONS

Barford, Sherbourne & Wasperton Joint Parish Council: The modifications to the proposal following application W/13/1153 are noted but these are insufficient to alter their previous grounds for objection:

- Adverse effect on the residential amenity of neighbours, by reason of noise, disturbance, overlooking, loss of privacy, overshadowing. No.32 requests Planning Committee conduct a site visit to view the impact on their garden and full width corner glazing.
- Unacceptably high density / overdevelopment of the site, especially as it involves loss of garden land or the open aspect of the neighbourhood (so-called 'garden grabbing').
- Visual impact of the development.
- The proposed development is over-bearing, out-of-scale and out of character in its appearance compared with existing development in the vicinity.
- The loss of existing views from neighbouring properties would adversely affect the residential amenity of neighbouring owners.
- Adverse effect of the development on the character and appearance of the Conservation Area.
- The development would adversely affect highway safety or the convenience of road users.
- A recently commissioned Housing Needs Survey for Barford revealed no requirement for five-bedroomed houses.
- In an earlier planning application for changes to no.2 Westham Lane (W/03/1152) a condition was applied removing permitted development rights to insert or alter windows in the north-west elevation of no.2, to protect their amenity. Such a condition should apply to any new building within the curtilage of no.2.

Public response: Three objections have been received, raising the following concerns:

- overdevelopment;
- out of character with existing development in this part of the village;
- unneighbourly;
- overshadowing;
- loss of privacy;
- light pollution;
- loss of trees and hedges will lead to overlooking of neighbour's gardens;
- noise and disturbance;
- obstruction to the highway during construction;
- lack of garage provision will lead to parking on Westham Lane which does not have capacity, and will harm highway safety and walkers;
- planned extensions to the village are preferable and would meet housing needs and make proper contributions towards facilities;
- permitted development rights should be removed to restrict windows overlooking no.32;
- previous reasons for refusal of a dwelling have not been addressed; and

- the house has been significantly extended (but planning conditions were not complied with), has converted its garage to provide further accommodation and is used as a Bed and Breakfast business.

No.32 requests Planning Committee carry out a site visit to view the impact on their garden and full width corner glazing.

WCC Archaeology: Recommend a condition to require a programme of archaeological works.

WCC Ecology: Recommend retention of existing trees and shrubs if possible with a tree protection condition, or removal works to be carried out outside the nesting season or in the presence of an ecologist. Also recommend bat, nesting birds and indigenous planting notes.

WDC Tree Preservation Officer: No objection, subject to a replacement tree plan being provided.

WCC Highways: No comments available at time of writing report. Comments will be reported directly to Planning Committee.

ASSESSMENT

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

- compliance with policies directing new housing;
- impact on the character and appearance of the Conservation Area and the adjacent countryside; and
- impact on the living conditions of neighbouring dwellings.

Compliance with policies directing new housing

The conclusions of the Inspector in relation to the recent appeal against the refusal of planning permission for 58 houses nearby on the east side of Wellesbourne Road (Ref. W11/1533) are relevant to the consideration of the current proposals. Whilst the appeal was dismissed on other grounds, the Inspector concluded that Barford is a suitable location for this number of new dwellings. There remains a shortfall of housing land in the District, with the Council being unable to demonstrate a 5 year supply, and therefore Local Plan Policy RAP1 is to be treated as being out of date carrying very little weight. Furthermore, since the Inspector judged that 58 new homes would be appropriate in Barford, the total number of new dwellings approved in the village is not close to that number. Therefore it has to be concluded that the erection of a new dwelling on the application site would be in accordance with the policies in the NPPF relating to the direction of new housing. In these circumstances, planning permission should be granted unless the adverse impacts of the development would significantly and demonstrably outweigh the benefits.

Impact on the character and appearance of the Conservation Area and the adjacent countryside

In dismissing the appeal against the 2008 refusal for a bungalow on the application site (Ref. W08/0788), the Inspector concluded that the development would harm the character and appearance of the Conservation Area and the adjacent countryside. In particular, the Inspector was concerned that the distance between the existing house and the proposed bungalow would not be sufficient to prevent both properties appearing cramped. Furthermore, the Inspector considered that the undeveloped garden area provides an effective buffer to the adjacent countryside and concluded that the limited distance between the proposed bungalow and the plot boundary would be insufficient to accommodate any significant tree planting. These concerns were repeated in the most recent refusal of permission.

The current proposals show a smaller dwelling with reduced footprint, which provides an enlarged buffer to the boundaries. It is considered that the amended scheme addresses the fundamental concern of the Inspector. The dwelling now proposed is a two storey building but with a smaller footprint, similar to that directly opposite on Westham Lane. The proposed dwelling would be 1.2m further from the western boundary than the bungalow previously proposed, and 0.5m more than the dwelling refused last year, providing a total gap of 3m. This is considered sufficient space for further landscaping to soften the boundary and provide a clear space between the house and the boundary. The removal of the previously proposed garage and a rear wing have increased the space between the proposed house and no.2, and the rear boundary with no.32, resulting in sufficient garden space for each that is not considered to be out of character with the development opposite. It is therefore concluded that the proposals have addressed the concerns of the Inspector and that the scheme now proposed would preserve the character and appearance of the Conservation Area and the adjacent countryside, in accordance with Policies DP1 and DAP8.

Impact on the living conditions of neighbouring dwellings

The proposed dwelling is smaller than the previous proposal, which was not considered to cause unacceptable harm to neighbouring properties. This would be approximately 23m (increased from 20m) from the nearest windows in the rear of No. 32 Wellesbourne Road and would not be positioned directly to the rear of that property. The proposed dwelling would also now be 12m (increased from 7m) from the boundary with the rear garden of No. 32. The nearest upper floor windows in the rear elevation at this point are to bathrooms such that potential overlooking from habitable first floor windows towards no.32 would only occur from the position furthest from their home. The scheme complies with the Council's Distance Separation Standards at the front and rear. It is not considered necessary to remove permitted development rights for first floor side facing windows, since under current permitted development rights, these would be required to be obscure glazed.

It is also considered that the proposals would have an acceptable relationship with the existing dwelling at No. 2 Westham Lane, which does not directly face the site of the proposed dwelling.

Other matters

The application proposes that an air source heat pump would be installed to meet 10% of the predicted energy requirements of the proposed dwelling. This would meet the requirements of Local Plan Policy DP13 and would be subject to a condition.

There has been no objection from the Council's Tree Preservation Officer. Therefore it is concluded that the proposals would not adversely affect any trees of importance, subject to an appropriate condition requiring tree protection, and replacement for a small holly tree being removed.

The proposals include two off-street parking spaces, in accordance with the Council's Parking Standards SPD, and space for refuse storage is also provided.

The proposals are considered to be acceptable in terms of highway safety and parking, subject to the recommended conditions as sufficient parking is provided in accordance with standards.

Drainage issues can be dealt with by condition.

There has been no objection from the County Ecologist and therefore it is considered that the proposals would have an acceptable ecological impact.

Neighbours have raised concerns about noise and disturbance. However, as the proposals are for a new dwelling within an established residential area, there is no reason this would cause any more noise and disturbance than existing dwellings.

SUMMARY/CONCLUSION

The proposals would preserve the character and appearance of the Conservation Area and the adjacent countryside, would not lead to unacceptable harm to neighbouring amenity or highway safety, and would comply with the policies listed.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) (751-02A; 751-03A submitted on 21 January 2014), and specification contained therein. **REASON :** For the

avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

3 Samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the local planning authority before any construction works are commenced. Development shall be carried out in accordance with the approved details. **REASON :** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.

4 The development hereby permitted shall be carried out in strict accordance with the details of surface and foul water drainage works that 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 DP11 of the Warwick District Local Plan 1996-2011.

5 Unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy SC13 of the Warwick District Local Plan 1996-2011:

(i) no development shall commence unless or until a scheme for such provision or improvement (identifying the size/extent, location and specification of the space and works) has been submitted to and approved in writing by the Local Planning Authority; and

(ii) the dwellings hereby permitted shall not be occupied until the scheme so approved has been implemented.

REASON: To ensure the necessary infrastructure and facilities are provided in accordance with Policy SC13 of the Warwick District Plan 1996 - 2011.

6 The development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. **REASON :** To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance

with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

- 7 No development shall take place within the application site, unless and until a programme of archaeological works and investigations has been secured and initiated in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. **REASON:** In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected were applicable, before development commences in accordance with Policy DP4 of the Warwick District Local Plan 1996-2011.

- 8 No development or other operations (including demolition, site clearance or other preparatory works) shall be commenced until adequate steps, which shall have been previously approved in writing by the local planning authority, have been taken to safeguard against damage or injury during construction works (in accordance with Clause 7 of British Standard BS5837- 2012 Trees in Relation to Design, Demolition & Construction) to all tree(s) on the site, or those tree(s) whose root structure may extend within the site and which are within the Barford Conservation Area. In particular no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area, or any other works be carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **REASON:** To protect those trees which are of significant amenity value to the area and which would provide an enhanced standard of appearance to the development in accordance with Policies DP3 and DAP8 of the Warwick District Local Plan 1996-2011.

- 9 The development hereby permitted shall only be undertaken in strict accordance with details of both soft landscaping works which have been submitted to and approved in writing by the local planning authority. All planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation of the dwelling hereby permitted. 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 DP1, DP3 and DAP8 of the Warwick District Local Plan 1996-2011.

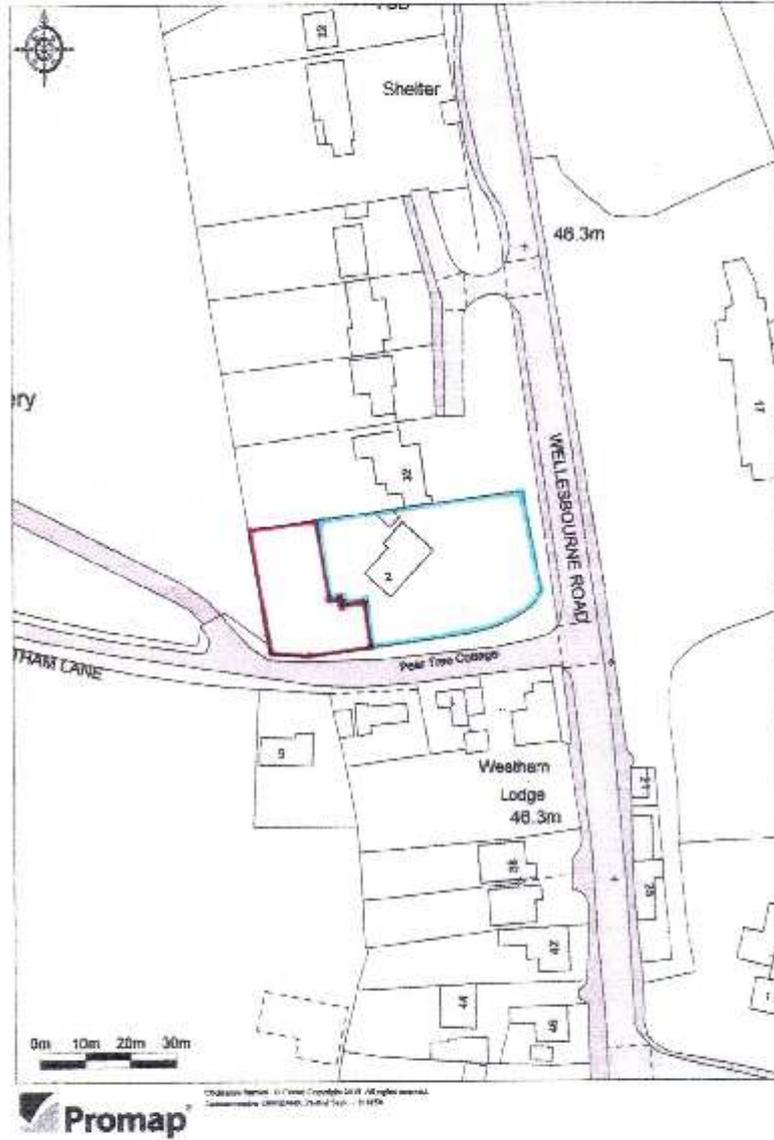
- 10 The dwelling hereby permitted shall not be occupied unless and until the car parking provision has been constructed or laid out in accordance with approved drawing number 751-02A submitted on 21 January 2014, and made available for use by the occupants and / or visitors to the dwelling and thereafter those spaces shall be retained for parking purposes. **REASON:** To ensure the satisfactory provision of off-street vehicle parking facilities in accordance with the local planning authority's standards and in the interests of highway safety and the satisfactory development of the site in accordance with Policies DP1 & DP8 of the Warwick District Local Plan 1996-2011.
 - 11 The access to the site shall not be reconstructed in such a manner as to reduce the effective capacity of any drain within the limits of the public highway. **REASON:** In the interests of highway safety in accordance with Policies DP8 of the Warwick District Local Plan 1996-2011.
 - 12 The development hereby permitted shall not be occupied unless and until the external refuse storage area for the development shown the approved drawing no.751-02A submitted on 21 January 2014 has been constructed or laid out and made available for use by the occupants of the development and thereafter those areas shall be retained for refuse storage purposes. **REASON:** To ensure the satisfactory provision of refuse storage facilities in the interests of amenity and the satisfactory development of the site in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.
-

4 Westham Lane, Barford. CV35 8DP

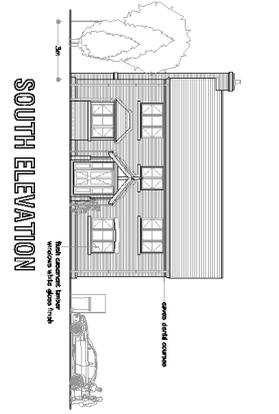


Location Plan

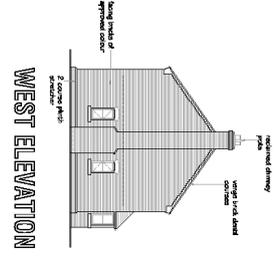
Scale - 1:1250



BUILDING DESIGN SERVICES



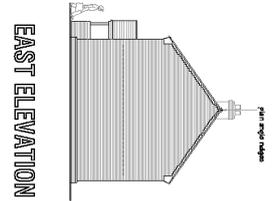
SOUTH ELEVATION



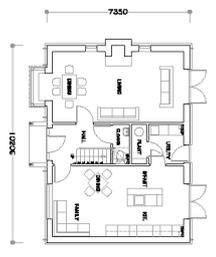
WEST ELEVATION



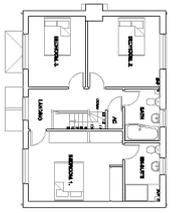
NORTH ELEVATION



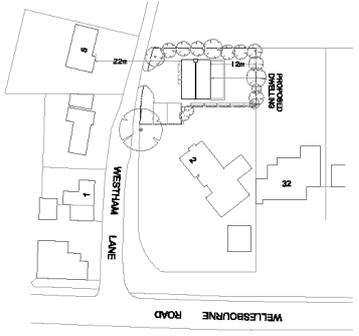
EAST ELEVATION



GROUND FLOOR PLAN



FIRST FLOOR PLAN



SITE PLAN



PROJECT TITLE	PROPOSED DETACHED DWELLING AND GARAGE
NEW ADDRESS	3 WESTHAM LANE, LONDON
PROJECT TYPE	FLOOR PLANS, ELEVATIONS, SITE PLAN, PROPOSALS
DATE	15.09.2013
SCALE	1:1000
DATE	15.09.2013
SCALE	1:1000
DATE	15.09.2013
SCALE	1:1000

BUILDING DESIGN SERVICES ©
 planning & architectural design
 3 Coleridge Close, Lutteridge spa, Warwickshire, CV34 6JH
 The Hubbox Office 08007
 Mobile 07779 000123

Planning Committee: 25 February 2014

Item Number: 13

Application No: W 13 / 1688

Town/Parish Council: Bishops Tachbrook

Registration Date: 19/12/13

Case Officer:

Penny Butler

Expiry Date: 20/03/14

01926 456544 penny.butler@warwickdc.gov.uk

Land to South of Mallory Road, Bishop's Tachbrook. Warwickshire

Residential development (Use Class C3) for up to 125 dwellings with construction of access from Mallory road, areas of public open space, landscaping and associated works (Outline planning application) FOR Barwood Development Ltd

This application is being presented to Committee due to the number of objections and an objection from the Parish Council having been received, and since the proposal is contrary to the Development Plan.

RECOMMENDATION

Planning Committee are recommended to REFUSE outline planning permission for the reasons listed below.

DETAILS OF THE DEVELOPMENT

The application is made in outline with all matters reserved apart from access. Vehicular access is proposed from Mallory Road near the western site boundary, between accesses opposite to Brickyard Cottage and Knob Hill. The proposed access arrangements have been amended since submission, following an objection by the Highway Authority to the original proposals. The amended proposals now include four houses fronting Mallory Road, with direct accesses leading to garages, the extension of a lit footway along the frontage with Mallory Road, and a widened footpath link with removable bollards (to provide emergency access) in the north-eastern corner of the site, adjacent to no.109 Mallory Road.

The development proposes an extension to the western side of Bishop's Tachbrook, a village of some 737 dwellings. The indicative layout shows 123 dwellings, 40% of which would be affordable. The development would achieve a density of 17 dwellings per hectare, taking into account a substantial amount of planned open space to be provided in excess of the standard requirement. The Design and Access Statement states that dwellings are proposed to be generally one to two storeys in height, whilst the Planning Statement states they would be a maximum height of 2.5 storeys. Planned green infrastructure would include a large area of community open space at the southern end of the site which could include a children's play area, footpaths and foul and surface water drainage infrastructure including an attenuation pond in the north-west corner of the site.

The application is supported by extensive documentation. This includes a Transport Assessment, a Planning Statement, Ecological and Archaeological Reports, Arboricultural Assessment, Flood Risk Assessment, Landscape and Visual Impact Assessment, and Design and Access Statement.

THE SITE AND ITS LOCATION

The application site comprises two arable fields bounded by field hedges. The site area is some 18 acres (7.3 ha.). It is sited to the west of the village, adjoining the rear boundaries of one and two storey dwellings on Holt Avenue and The Lees. The land rises by about 13m from its north-western to south-eastern boundaries, over a distance of 500m, forming a north facing slope which is visible from land to the south of Leamington Spa and Warwick Gates. Beyond the site, about 150m to the west, stands a Grade II Listed barn at Tachbrook Hill Farm. The Mallory Road frontage is marked by field hedging with some trees, with an intervening section of the frontage in separate ownership which is covered by a group of trees. The western and southern site boundaries are marked by field hedges, and there is a public right of way crossing the mid part of site which leads to Tachbrook Hill Farm.

In the current Local Plan, the application site is allocated as part of the rural area where rural area policies of the plan apply. The entire site is Grade 3 (Good to moderate) agricultural land. The site was included in the 2013 Village Housing Options and Settlement Boundaries Consultation document as a discounted option site.

PLANNING HISTORY

There is no planning history.

RELEVANT POLICIES

- Warwickshire Landscape Guidelines SPG
- Development Management Policy Guidance: Achieving a Mix of Market Housing on new Development Sites (Agreed by Executive - 19th June 2013)
- Garden Towns, Villages and Suburbs - A prospectus for Warwick District Council (Consultation document - May 2012)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- National Planning Policy Framework
- RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)
- SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
- SC12 - Sustainable Transport Improvements (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- SC14 - Community Facilities (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)

- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
- DP15 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Open Space (Supplementary Planning Document - June 2009)
- Vehicle Parking Standards (Supplementary Planning Document)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Affordable Housing (Supplementary Planning Document - January 2008)
- DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
- DP5 - Density (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)

SUMMARY OF REPRESENTATIONS

Bishops Tachbrook Parish Council: Raise objection on the following grounds:

1. The New Local Plan process has considered the housing needs of Bishop's Tachbrook in the Village Housing Options and Settlement Boundaries Consultation paper of November 2013. The application site was not favoured in the District Council Proposals set out in the consultation. As part of its consultation with the community on the Neighbourhood Plan, the Parish council held a special meeting on 18th January. Some 150 residents attended and the village housing options were discussed. The only site that received any support was the site to the south of the school. No one supported the site which is the subject of this application.
2. This site does not have the potential to deliver wider benefits to the whole wider parish as compared with the preferred site in the VHO consultation. The VHO-preferred site has the potential to deliver much better access to the school alleviating significant congestion and road safety issues on Kingsley Road. It can also potentially deliver access to Oakley Wood on foot, which would provide improved leisure and well-being opportunities to residents.
3. This site is remote from the village centre with the local shop being a 10 minute walk away. This site will not add to the sustainability of our local shop which struggles to survive or our Sports and Social Club.

4. The use of this site for housing will significantly add to driver frustration and further accidents at the junction of Mallory Road and the Banbury Road. This is a dangerous intersection and a new junction designed for safety and to discourage through village traffic, would be required. It will also add significantly to traffic volumes on Mallory Road, which will already see an increase of 40% as a result of housing proposed as part of the New Local Plan. Therefore a signalled crossing point on Mallory Road between Kingsley Road and Holt Avenue would be required to ensure that residents can cross the road safely.
5. This visual impact of this proposal will be significant. The development will be located in an elevated location close to Mallory Road and will be highly visible to all entering or leaving the village area, removing the rural buffer that currently exists. Also for residents on Holt Avenue the development will have a severe visual impact, because currently they overlook open farmland but these new homes will be located in close proximity.
6. A number of existing homes on Holt Avenue currently suffer from flooding issues due to water run-off from the proposed site. It is feared that the housing and hard landscaping associated with this site will make the problem far worse.
7. The site is currently outside the village envelope and as such the 2007 Local Plan rural area policies apply. This development does not comply with RAP1, RAP 4 and RAP5.

Public response: 92 objections received raising the following concerns:

- Quantum of housing is not required, exceeds local needs and is contrary to Policies RAP1, RAP4 and RAP5.
- Visual impact, harm to rural agricultural character and setting of village. Highly visible site in an elevated position, clearly visible on approaches to the village.
- Harm to highway safety from proposed access and increases in traffic. Children will not be able to cross Mallory Road. Houses directly fronting Mallory Road will cause more traffic congestion and danger. Queuing onto the dangerous A452 junction will be significantly increased.
- Noise, air, dust and light pollution, especially during construction. Reduction to the speed limit and traffic calming on Mallory Road will exacerbate existing safety and capacity issues.
- Harm to residential amenity of dwellings adjoining the site whose main living windows face the application site. Loss of view and privacy.
- Loss of productive agricultural land.
- Unsustainable layout, remote from village facilities. Public footpath link is of insufficient width to provide adequate, safe or attractive access to the village. Proposed open space is poorly sited, and no other facilities proposed.
- Increased demand on inadequate local facilities. Existing residents currently have to travel outside the village to access schools, health care and other facilities.
- Not the preferred option for development of the village.
- Increased flood risk. The application site is flooded for long periods.

- Harm to ecology and wildlife.
- Loss of hedge to Mallory Road due to direct frontages.
- Insufficient existing water pressure will be exacerbated.
- The requirement for emergency access via a route with removable bollards suggests the site is of poor layout and not suitable for the scale of development proposed.
- There has been no meaningful engagement or consultation with residents.

WCC Highways: Following an initial objection, the applicant has been in discussion with the Highway Authority and submitted amended plans addressing previous concerns. These demonstrate that enhancement works will be carried out to enforce the extension of the 30mph speed limit on Mallory Road, to the proposed site access. A footway extension with street lighting, will connect the proposed site access to the existing footway adjacent to no.109 Mallory Road. Frontage activity will also be promoted with the inclusion of private access drives directly off Mallory Road. The amended plan also provides a 3 metre wide emergency access to the north-east corner of the site, utilising the proposed footpath.

To improve the existing junction of Mallory Road and the A425, the developer is proposing to implement minor widening to deliver separate left and right turn lanes on Mallory Road. WCC support this proposal as it will assist traffic wanting to travel south along the B4100 and M40, due to right turning traffic being in its own lane. This will be an improvement for existing and proposed development traffic. The submitted junction capacity assessment demonstrates that this proposed improvement is not required to mitigate the impact of the development and therefore, should be seen as a benefit of the proposed development. On this basis there is no objection to the amended access arrangements, subject to conditions requiring the footway extension, street lighting, speed management and access proposals to be implemented prior to commencement of the development, the Banbury Rd/Mallory Rd junction improvements prior to occupation of the development, and visibility splays. The developer will be required to pay £50 per dwelling for sustainable welcome packs, £18,000 to implement the TRO, relocate the existing gateway features, install a vehicle activated sign to enforce the speed limit and associated lining and signage.

Highways Agency: No objection.

Environment Agency: No objection subject to a condition requiring a surface water drainage scheme based on SUDS principles, following results of a hydrological and hydro-geological assessment.

WCC Education: Request a contribution of £1,024,664 towards Nursery, Primary, Secondary, Sixth form and Primary and Secondary SEN education provision within the area. There is no surplus pre school capacity in the area. The priority area primary school (Bishops Tachbrook) is forecast to fill from existing pupils in the area therefore a request is made towards provision for an additional 33 pupils. The local priority area Secondary School, Myton, is forecast to have some spare capacity, however, there are other significant applications pending that will impact directly. A number of local primary schools have been recently

expanded to cope with growing demand for places as a result of population growth; WCC believes it is necessary for all new development to contribute proportionately to the creation of secondary school places. For SEN places, the figures have been rounded to one pupil at Primary and one pupil at Secondary level, therefore a request will be made towards SEN provision as there is no surplus capacity at schools in this area.

WCC Ecology: The Extended Phase 1 survey work undertaken is appropriate. The site comprises improved grassland with a water body, small area of scattered scrub and bounded by hedgerows, a number of which are species-rich. Some trees are also present, predominantly along the sites boundaries. The site is mainly surrounded by improved grassland fields, arable land with a network of water bodies and a residential area.

A Biodiversity Impact Assessment has been carried out and it is considered there will still be a biodiversity loss on site without appropriate compensation provided on site. Unless some of the areas set aside as POS can incorporate areas of high quality grassland which is protected from public, it appears unlikely sufficient habitat creation can be provided on site. A draft habitat mitigation plan is required prior to determination, or a biodiversity offsetting agreement to be secured by Section 106.

Recommend conditions requiring a Construction and Environmental Management Plan (CEMP), to include pre-commencement checks for protected species with subsequent mitigation and monitoring, a Landscape and Ecological Management Plan to include details of habitat creation, new planting and maintenance, a tree protection scheme, and a detailed lighting scheme. Reptile and biodiversity offsetting notes are also recommended.

WCC Archaeology: No comments available at time of writing report. Comments will be reported directly to Planning Committee.

Tree Preservation Officer: Recommends a final layout is amended to remove dwellings from the root protection areas of trees along the site frontage.

Green Space Officer: The open space areas combined meet the provision standards as set out in the Open Space SPD, though they may differ when broken down by type. Any deficiency in area by type of open spaces should be compensated by an offsite contribution, if it can be demonstrated that there is a need for this offsite contribution (to be confirmed by the Parish Council). Since this development exceeds 100 dwellings, an allocation of land for allotments should have been included within the scheme, and this should be referred to the Parish Council who may have recommendations for provision. The proposed play area meets standards, is well laid out and links nicely to the community open space provided. Recommendations are also made for planting and ecological mitigation. A future management and maintenance plan should be secured for the open space, along with commuted sums for maintenance of open space and SUDS. Due to its rural location it would not be preferable for the land to be transferred to Warwick District Council for operational reasons.

Natural England: Refer to standing advice on protected species. Potential for biodiversity offsetting should be explored.

Health and Community Protection: No comments available at time of writing report. Comments will be reported directly to Planning Committee.

Environmental Health: An air quality assessment is not required at this time, although a draft policy document is being produced to require these for major schemes, so the developer is encouraged to produce a low emission strategy. Recommend conditions requiring further investigation for contaminated land, a scheme to protect future residents from traffic noise, and a Construction Management Plan to limit potential for loss of amenity to local residents from noise or dust during construction.

Housing Strategy: 50 of the proposed 125 would be required to be affordable in order to meet Policy SC11. The type, tenure and location of the dwellings can be agreed at reserved matters stage, and should take account of the changing demand and the current housing needs survey results. The site should deliver a tenure mix of 50/30/20 social rent/affordable rent/shared ownership. The element of affordable rent should be restricted to the mid-point between social rent and 80% of open market rent. Units should be arranged in small clusters throughout the site, should meet the standards set out in the SPD and will be allocated through the Homechoice scheme.

Waste Services: No objection. Consideration should be given with any reserved matters application to maximum distances for refuse collection points and refuse storage space.

NHS Property Services: Have reviewed the existing primary medical care infrastructure capacity and have no concerns about the impact of the planning application, therefore do not request any contributions towards primary medical care facilities.

South Warwickshire NHS Foundation Trust: Request a contribution of £1,678 per open market dwelling (£209,750 for 125 dwellings) towards Acute and Community health care facilities to provide local infrastructure to support the health care needs of this residential development. Data supplied to Stratford on Avon District Council evidences that existing Acute and Community facilities are at full capacity and are unable to accommodate increased patient demand from population growth.

Warwickshire Fire Service: No objection subject to a scheme for fire hydrants and water supplies.

Warwickshire Police: No objection subject to recommendations for reducing crime being incorporated into a detailed scheme.

Severn Trent Water: No objection subject to a condition requiring foul and surface water drainage details.

WCC Libraries: Request a contribution of £21,337 towards the provision of library services.

WCC Rights of Way: No objection subject to the public footpath not being obstructed. Request a contribution of £2,819 towards the improvement of public footpaths and stiles within a 1.5 mile radius of the site.

Ramblers: No objection as the existing public footpath is shown retained through the development.

ASSESSMENT

The main considerations in determining this application are as follows:

- Whether the proposal accords with national and Local Plan policies with regard to the principle of residential development in this location;
- design and sustainability;
- the impact on visual amenity and heritage assets;
- the impact on the amenity of residents;
- the impact on highway safety;
- the impact on the natural environment;
- the impact on local services;
- whether the proposed housing mix accords with national and Local Plan policies;
- flood risk and drainage matters;
- and any other matters.

Principle of development

The proposed development is contrary to Policy RAP1 of the Local Plan by virtue of its nature and location. However, the NPPF states (para 49) that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites. Whilst the Council can demonstrate a five year supply against the requirements of the revoked Regional Spatial Strategy 2008, these requirements do not reflect the most up-to-date evidence in terms of assessed housing need. In terms of the most recent evidence of housing need, the Council cannot demonstrate a five year supply. Accordingly, only limited weight can be afforded to Policy RAP1, and in these circumstances the NPPF requires applications to be considered in the context of the presumption in favour of sustainable development. This states at paragraph 14 that where the development plan policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF

The NPPF also states (at para 54) that in rural areas local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing. The latest adopted local housing need survey (2009) indicated a need for 14 new homes within the Parish.

Last year the Council consulted on a Revised Development Strategy (June 2013) in which it is proposed that housing growth in villages should be proportional in scale to the growth forecast for the District as a whole. This allocates 100-150 dwellings for Bishops Tachbrook. This figure is supported by work carried out to establish a settlement hierarchy contained within the 'Draft Settlement Hierarchy Report' 2013, whose overall strategy is to focus limited new housing development on the more sustainable villages. It is recognised that only limited weight can be attached to this emerging Local Plan document due to the early stage in the process. However, the available evidence indicates that 100-150 dwellings is an appropriate level of housing growth for Bishop's Tachbrook over the plan period, which is based on a robust and justifiable approach to calculating housing need in the District. Also consulted upon were Sites for Gypsies and Travellers (June 2013), which included a site at Tachbrook Hill Farm that adjoins the western site boundary.

Furthermore, the Council has recently carried out a public consultation on specific site allocations within villages (Village Housing Options and Settlement Boundaries Consultation - November 2013). The results of the June 2013 and November 2013 consultations will inform the new Local Plan. The Village Housing Options document contains a preferred development site for Bishop's Tachbrook which is sited to the south of the school and would provide 150 dwellings. This preferred site for development adjoins the application site on its western side. The application site was discounted as the preferred option due to its larger scale and lower potential regenerative benefits for the village. However, the weight that can be attached to this document is very limited due to its stage in the planning process.

The current proposal for up to 125 dwellings is within the maximum 100-150 dwelling level of required housing growth for Bishop's Tachbrook that is indicated in the Revised Development Strategy.

Design and sustainability

The NPPF sets out the presumption in favour of sustainable development, to which there are three dimensions: economic, social and environmental. The social dimension gives rise to the need for planning to support strong, vibrant and healthy communities and to create high quality built environments with accessible local services that reflect the community's needs and support its health social and cultural well-being. It also includes high quality of design as a core planning principle (para.17), and reiterates that good design is of great importance and a key aspect of sustainable development (para.56). Section 7 of the NPPF expands on the requirement for good design, stating it is important to plan positively for high quality and inclusive design (para.57), and to ensure decisions address the connections between people and places and the integration of new development into the built environment (para.61).

Policy DP1 only permits development which contributes positively to the character and quality of its environment through good layout and design. Development proposals are expected to demonstrate that they harmonise with,

or enhance, the existing settlement in terms of physical form, patterns of movement and land use, reinforce or enhance the established urban character of streets, and integrate with existing paths and streets.

The proposed development has its sole point of vehicular access off Mallory Road, over 200m outside the existing boundary of the village, with no vehicular access provided through the existing housing to the east. There is a single existing public footpath which crosses the site and will be retained through the centre of the development, which leads off Holt Avenue via a narrow alley way between two dwellings. The development makes substantial provision for public open space at the southern end of its site, which would be accessed from the village via the path leading off Holt Avenue, and a new path leading off Mallory Road.

The narrow width of the Holt Avenue path does not permit use by pushchairs, wheelchairs, or mobility scooters and it is difficult for pedestrians to pass each other. In addition, the narrowness of the path means it is not overlooked. These characteristics mean the route would not be attractive to pedestrians due to access and safety concerns, therefore it is considered unlikely that future occupiers of the development would use this route to access village facilities, and unlikely that existing villagers would use the route to access the planned open space within the site, so the benefit to the village of this is diminished.

The proposed pedestrian access in the north-east corner of the site, adjacent to the current edge of the village, would therefore be the only accessible pedestrian route to the village. However, due to the linear layout of the site, this is a significant distance from the houses at the southern end of the development (280m) and the planned open space. It is therefore considered unlikely that existing villagers would walk through the development to the planned open space, at a distance of 300m from the outer edge of the village. It is also considered unlikely that residents of the development would walk to village facilities, given that they would have to walk north to Mallory Road and then south along Holt Avenue to access the school which is a doubling back, and residents are also likely to travel to work or other facilities outside the village by car due to the limited public transport serving the village. This means they are likely to combine trips to village facilities with other trips by car which increases congestion within the village, or even bypass village facilities altogether. Future residents are therefore less likely to support village facilities, apart from the school, which it is likely would be accessed by car, adding to existing traffic problems in this area.

The access implications associated with developing this linear site on the edge of the village, which would not have satisfactory pedestrian links to the village, are that the development would fail to integrate with the existing settlement both physically and socially, would not be inclusive or of a high quality design, and would be likely to lead to unsustainable patterns of movement. For these reasons it is considered the development would not constitute a sustainable form of development, and would fail to comply with the aforementioned parts of the NPPF. The development would also fail to comply with Policy DP1 since it would not achieve good layout or design and would therefore negatively impact on the character and quality of the village.

It is considered that the failure of the site to integrate itself into the settlement, with the implications this has for travel movements, represents poor design and an unsustainable form of development, and this would represent a significant adverse impact of the development. This adverse impact is considered to significantly and demonstrably outweigh the benefit that would arise from the provision of housing in this location, and is therefore recommended as a reason for refusal.

The only option for further integration of the site into the village is via the end of The Lees at the southern end of the site, adjacent to the planned open space, but the small portion of intervening land is not under the applicant's control which prevents access.

Impact on visual amenity and heritage assets

The visual impact of development on the site upon the wider landscape was considered independently by Warwickshire County Council in their "Landscape Sensitivity and Ecological & Geological Study", as part of the supporting evidence base for the Council's Village Options. This assessed the landscape sensitivity to housing development as High, stating that the existing settlement edge is very prominent and further development would exacerbate this and erode the rural character of the zone and setting of the Tachbrook Hill Farm Listed Building. Development on higher ground would be particularly visible and should be avoided, and tree belts/hedge lines should be improved.

Due to surrounding topography, the site is visible at long distance from the south of Leamington/Whitnash, on the opposite side of the intervening agricultural landscape, and as such development of the site would visibly extend the village westwards, towards the Banbury Road and M40. This extension to the village would be clearly apparent from a large urban area, and would represent a significant encroachment into the countryside. Views from the south are limited by the ridge of land lying at the southern end of the site, and from the west by vegetation alongside the Banbury Road. Views from within the village would be limited to glimpses through existing housing, whereas currently there is a backdrop of agricultural land to the village.

The development of the site would represent an adverse impact of the development that would be contrary to Policy DP1, since the development would not positively contribute to the character or quality of its environment, and to Policy DP3 by failing to protect and enhance the landscape character of the area.

The setting of the Listed Building at Tachbrook Hill Farm would be affected by the proposal, as the development would erode its rural setting, and this would also represent an adverse impact of the development, but is not considered of so significant that it would form a separate reason for refusal.

Impact on the amenity of residents

The indicative layout of the development meets the Council's Distance Separation Guidelines SPG in relation to all surrounding existing dwellings. The layout could be easily amended to achieve the required distances between dwellings within the site, and would be subject to consideration under a detailed application. Therefore it is considered that the proposals would not cause unacceptable loss of light, loss of outlook or loss of privacy for neighbouring or proposed dwellings. The proposed access routes within the site would achieve a suitable buffer for landscaping between the proposed roads and garden boundaries of houses backing onto the site to avoid any significant impact from vehicle movements. Concerns raised by adjoining neighbours relating to loss of privacy are not sufficient grounds for refusal, given that distance separation standards between houses could easily be achieved, and there is sufficient space for meaningful landscaping. Loss of view is not a planning matter.

Impact on highway safety

The Highway Authority initially objected to the proposed access arrangements and in response the developers provided amended proposals. The final comments of the Highway Authority will be reported directly to Planning Committee. Subject to them raising no objection subject to conditions and a contribution towards strategic highway improvements, the impact on highway safety and traffic generation would be considered acceptable. The development would be required to make a contribution towards strategic highway improvements in the District as a result of the cumulative impact of the development on the wider network, which could be secured under Section 106.

Concerns regarding traffic generation are noted, however the additional comings and goings generated by the proposed development are not considered to be so significant as to raise any highway safety concerns or warrant refusal of the scheme. The provision of sufficient parking and satisfactory internal road layouts can be controlled by a reserved matters application to ensure compliance with the relevant policies.

Impact on the natural environment

The applicant has completed an assessment using the Biodiversity Impact Assessment Calculator at the request of WCC Ecology. The results demonstrate that there would be a net loss of biodiversity from the site, therefore the development should either provide compensation on site, or secure biodiversity offsetting off site secured by Section 106. This would ensure that there is no net loss of biodiversity as a result of the proposed development. Appropriate wildlife and habitat surveys have been undertaken and Ecology have suggested a suite of conditions that could be required to ensure the development is acceptable in landscaping and ecology terms. Since the impact on ecological matters can be addressed this would not represent a negative impact of the scheme, and the proposal would accord with Local Plan Policy DP3.

Comments on the archaeological fieldwork undertaken will be reported directly to Planning Committee, and it is understood this matter could be addressed by suitable conditions.

Impact on local services

The proposed development would create significant additional demand for local services and there have been a number of requests for contributions towards community facilities.

- £1,678 per dwelling towards acute and community health care facilities (Total £209,750);
- £784.61 per dwelling towards improvements to indoor sports halls and swimming pools (Total £98,077);
- £56.73 per dwelling towards improvements to outdoor sports facilities (Total £7,091);
- a monitoring fee of £30,000 or 1% of the total financial contributions (whichever is the lesser);
- £6,000 per open market dwelling towards strategic highway improvements (Total £750,000); and
- £2,819 towards improvements to public rights of way within a 1.5 mile radius of the development site.
- £8197 per dwelling towards education places (Total £1,024,664)
- £21,337 towards library facilities

The total estimated Section 106 monies contribution based on 125 dwellings would amount to £2,143,738.

Also required under S106 would be the provision of public open space in accordance with the SPD, contribution towards a play area if not provided by the developer, payment of maintenance and a contribution towards off-site provision of any deficiencies in the type of space provided. A further requirement under S106 would be for the adoption of SUDS and maintenance payments, biodiversity offsetting, sustainable welcome packs, the TRO contribution, and a local employment and training strategy for construction works.

Having considered the available evidence, the above contributions are considered to be in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010. A development of 125 dwellings on this site would have a material impact on health care facilities, education facilities, indoor and outdoor sports facilities, strategic highway infrastructure, public rights of way, libraries and open space. This a particular issue given the cumulative impact that is expected from the substantial level of housing growth proposed across the District. It is reasonable to expect a development of this size to contribute towards the additional costs associated with meeting these increased demands. The relevant consultees have identified specific projects and locations where this money would be spent. Therefore it is considered that all of the contributions listed above are necessary to make the development acceptable in planning

terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development (as required by Regulation 122).

The local planning authority have not sought to secure these contributions through a legal agreement due to the issues with the principle with the scheme. The failure to provide these contributions would therefore form a separate refusal reason under Policies SC11, SC13 and SC14 of the local plan. Improvements secured by S106 would represent a benefit of the development.

Assessment of the proposed housing provision

In terms of the type of housing being provided, 40% would be affordable and the affordable mix would accord with the affordable housing needs of the District in accordance with the current SHMA (50% social rented; 30% affordable rented; 20% intermediate tenure/shared ownership). The size and type of the affordable dwellings would be subject to further consideration under a reserved matters application, which would have to meet the requirements of the Housing Strategy Officer.

In terms of the market housing being provided, this would also be subject to consideration under a reserved matters application, and would be required to accord with the Development Management Guidance on Achieving a Mix of Market Housing by condition.

Complying with these requirements in terms of the affordable and market housing mix, sizes and house types, would comply with Policy SC1 which requires a range of sizes and types of dwelling and SC11 which requires 40% affordable housing and provision in accordance with local needs. The NPPF (para.50) sets out the need to "plan for a mix of housing based on current and demographic trends, market trends and the needs of different groups in the community". The granting of outline consent would significantly increase the supply of land for meeting the unmet market and affordable housing needs of the District and would therefore represent a key benefit of the scheme. If this had been a recommendation for approval it would have been expected that the affordable housing would have been secured by a S106 agreement.

Flood risk and drainage matters

The site is within Flood Zone 1. The scheme will implement Sustainable Urban Drainage (SUDS) techniques to assist in reducing flood risk if the underlying ground conditions are suitable, or other techniques in accordance with guidelines if not. It is proposed to install a balancing pond at the western end of the site and this SUD will improve water quality and increase biodiversity, whilst any drainage solution would be required to provide no worse, if not better, surface water discharge from the site than its current state. Therefore, it is considered that the proposals would be acceptable in terms of flood risk and would not increase the risk of flooding elsewhere. A S106 would require the SUDS systems to be adopted and the maintenance costs to be provided for the first 13 years.

Other Matters

In terms of sustainability, the scheme includes an Energy Statement identifying the two most suitable solutions as solar thermal or photovoltaics, ensuring the 10% energy target set in SPD is met. These schemes could be successfully implemented through condition in accordance with Policy DP13 of the Warwick District Local Plan 1996-2011 and the associated SPD.

The loss of productive agricultural land is a negative impact of the development but this land is not the best and most versatile so is not an overriding reason for refusal.

The application includes the provision of a substantial 2.5 hectares of public open space on site. A S106 agreement would have been expected to secure this if this had been a recommendation for approval, and would have met the requirements of the Council's Open Space Supplementary Planning Document. However, the location of the open space is remote from the only viable site access, as noted above, therefore it is not located a part of the site that would encourage use by existing residents of the village, therefore the benefit of this is diminished.

The impact of the proposed development on light pollution could be controlled through suitable conditions in accordance with Policy DP9. The impact on trees can also be controlled by suitable protection conditions, and negotiation on any reserved matters layout, in accordance with Policy DP3.

Objectors have raised concerns in relation to the impact of noise and disturbance on existing residents, and the impact on air quality as a result of increased traffic. However, given the level of traffic that will be generated by the development, any additional noise or pollution caused by vehicular traffic is considered to be limited and therefore would not be of such significance as to give rise to harm to sensitive receptors.

The Environmental Health Officer does not object to the principle of development, subject to suitable conditions requiring further schemes to mitigate traffic noise, construction disturbance, and contamination, therefore the proposal would comply with Policies DP2 and DP9

SUMMARY/CONCLUSION

As the Council cannot demonstrate a five year supply of deliverable sites for housing, the NPPF requires a balancing exercise be carried out to establish whether the harmful impacts of the scheme are so great as to significantly and demonstrably outweigh the benefits of the scheme. In addition, the NPPF places great weight on the conservation of heritage assets, although it has been concluded that such harm in this case is limited.

The public benefits of the scheme consist of the provision of market and affordable housing which would increase choice, meet local needs, and increase

housing supply in the District, the provision of employment during construction, and the provision of open space, whilst improvements to sports facilities, rights of way, health care and schools would be provided to meet the needs of the development. However, the proposed site layout and design, and the proposed means of access to the site would not provide a sustainable development and would not enable integration into the village. There would be an adverse impact on the surrounding landscape resulting from encroachment, and on views of the village from the north.

It is considered that these adverse impacts of the development would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies of the NPPF as a whole, and that the development would not therefore constitute sustainable development. In addition, the development would conflict with Local Plan Policy DAP1 since it would not achieve good layout or design and would harm the character and setting of the village.

Since no S106 has been secured to make adequate provision for affordable housing, public open space, community facilities and infrastructure this should form a separate reason for refusal.

REFUSAL REASONS

- 1 The NPPF sets out the presumption in favour of sustainable development, and includes high quality of design as a core planning principle. It requires planning authorities to plan positively for high quality and inclusive design, and to ensure decisions address the connections between people and places, and the integration of new development into the built environment. Warwick District Local Plan 1996-2011 Policy DP1 only permits development which contributes positively to the character and quality of its environment through good layout and design. Development proposals are expected to demonstrate that they harmonise with, or enhance, the existing settlement in terms of physical form, patterns of movement and land use, reinforce or enhance the established urban character of streets, and integrate with existing paths and streets.
It is considered that the proposed development fails to integrate into the existing settlement, achieves poor layout and design, and represents an unsustainable form of development. In addition, the development would have an adverse impact on the visual amenity of rural area. These adverse impacts are considered to significantly and demonstrably outweigh any benefits of the development, and the development is not considered a sustainable form of development, and the development is therefore contrary to the National Planning Policy Framework. The development would also be contrary to Local Plan Policy DP1 since it would not achieve good layout or design, and would harm the character and setting of the rural area and village.
- 2 The proposed development would be contrary to Policies SC11, SC13 and SC14 of the Warwick District Local Plan 1996-2011, in that no

mechanism has been provided to secure affordable housing, public open space, ecological bio-diversity off-setting, or improvements to highways, libraries, education or health care, and therefore the infrastructure needs generated by the development have not been satisfactorily secured.



Public open space creates attractive feature at 'gateway' into village. Existing grassland will be enhanced with wildflower species.

Potential for existing pond to be enhanced by ecological management, landscaping including establishment of semi-aquatic and marginal planting. Dipping platforms add interactive interest

Additional large hedgerow trees complement existing, retained native trees to soften built form and appearance of settlement edge.

Proposed trees and reinforced hedgerow with understorey planting within 5-8 metre strips, to retain terrestrial newt migration corridor

Proposed hedgerow trees contribute to the well wooded 'Feldon Parklands' landscape distinct to this area

Equipped play area also features natural play and wildlife mown path through wildflower edge. Interpretation boards for hedgerow species and wildlife add educational value

Log piles covered with grass cuttings and hedgerow clippings create wildlife nesting hibernacula

New planting will form part of the 'peri-urban' green infrastructure asset south of Warwick

Wide planted buffer edge features small and medium sized native trees with a well spaced understorey to respect neighbour amenity

Street trees create local distinctiveness and identity within the layout, softening the transition to the countryside

Local area of play for young children. Play areas feature dense shrub planting to create alternative enclosure to fencing

THE ENVIRONMENTAL DIMENSION PARTNERSHIP
 111b The Barn, Barnsley Park Estate, Barnsley, Cheltenham,
 Gloucestershire, GL7 5EG | 01285 740437 | 01285 740848
 info@edp.co.uk | www.edp.co.uk

client
Barwood Development Securities Ltd

project title
**Land at Mallory Road,
 Bishop's Tachbrook**

drawing title
Plan EDP 4: Landscape Masterplan

date
 29 JANUARY 2014

drawing number
 EDP 105420C

scale
 Refer to Scale Bar

drawn by
 EB

checked by
 MJ

© Environmental Dimension Partnership. Reproduced from Ordnance Survey digital map data © Crown Copyright 2013. All rights reserved. Licence number 0100031573

Planning Committee: 25 February 2014

Item Number: 14

Application No: W 13 / 1775

Town/Parish Council: Kenilworth

Registration Date: 20/12/13

Case Officer: Emma Spandley

Expiry Date: 14/02/14

01926 456533 emma.spandley@warwickdc.gov.uk

61 Common Lane, Kenilworth, CV8 2EQ

Erection of a dwelling house within the garden of number 61 Common Lane.
Resubmission of W/13/0957, approved 5th September 2013. FOR Ward Burges
Ltd

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

RECOMMENDATION

Planning Committee are recommended to grant planning permission, subject to
conditions.

DETAILS OF THE DEVELOPMENT

Planning permission is sought for the erection of a new detached 3-bedroomed
dwellinghouse by sub-dividing the northeastern part of garden land belonging to
61 Common Lane. The proposed dwellinghouse will be accessed from Highland
Road and will be split into three levels, appearing as 1.5 storeys from Highland
Road and 2.5 storeys from the lower garden level. The proposed dwelling will
measure 7.5 metres wide by 13 metres deep and will have a ridge height of 8.4
metres from the rear or 4.9 metres when measured from Highland Road.

The application is accompanied by a Sustainability Statement and Design and
Access Statement, which states that the house appears as a bungalow from
Highland Road to complement the streetscene.

The differences between the previous application for which planning permission
was granted in 2013 (W/13/0957) and the current proposals are:-

- An increase in ridge height by 0.6 metres to accommodate the roof pitch of
the dwelling being increased by 2.5 degrees.
- The insertion of a door and window at ground floor and two windows at first
and second floor level on the western elevation.
- The insertion of 3 windows within the first and second floor levels within the
eastern elevation; and
- The inclusion of steps down from the road level to the rear garden.

THE SITE AND ITS LOCATION

The application site relates to the northeastern part of garden land belonging to an existing bungalow (No.61 Common Lane) that occupies a corner plot east of the junction with Common Lane and Highland Road. There is a significant drop in levels between Highland Road and the site with only the top of the bungalow's roof visible from this streetscene. The site is within a residential streetscene within the urban area of Kenilworth.

PLANNING HISTORY

W/95/1226 Erection of a detached dwelling: Granted February 1996

W/00/1569 Variation of condition 1 (time limit) of W/95/1226 to extend permission for a further 5 years for the erection of a dwelling and garage fronting Highland Road: Granted December 2000.

W/05/1880 Variation of condition 1 (time limit) of W00/1569 to extend permission for a further 5 years for the erection of a dwelling and garage fronting Highland Road: refused February 2006 (Due to the current housing moratorium in force within the District at that time).

W/13/1775 - Erection of a detached dwelling in the garden of No.61 Common Lane: Granted 5th September 2013.

RELEVANT POLICIES

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Vehicle Parking Standards (Supplementary Planning Document)
- Open Space (Supplementary Planning Document - June 2009)
- National Planning Policy Framework

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council - The proposed changes exacerbated earlier concerns, considering that:

1. The property would be shoe-horned in-between the existing house and the neighbouring property, with a detrimental effect to the street scene.
2. The proposed property is out of keeping with the surrounding area.
3. The revised roof pitch and increased ridge height exacerbates the adverse effect on the neighbouring property.
4. The change from a garage to study, with no space for any future garage facility, increased Members view that the proposal constituted over-development.
5. The new property would be detrimental to the amenity of 61 Common Lane.

Public response - 1 response received making comments regarding access to the site during construction; the impact on house values and the proposed building being higher than the existing neighbouring properties.

ASSESSMENT

- The main considerations in assessing this application are the material differences between the current proposal relative to the approved scheme, however for completeness, this report also includes the other key considerations:-
 - The principle of development;
 - Siting and design;
 - Neighbours' amenity;
 - Highway safety;
 - Other matters: landscaping, ecology and sustainability.

Principle

Planning permission was granted and renewed for a detached dwellinghouse on this site under planning applications W/95/1225 and W/00/1569 respectively. The applicant sought to renew the permission again under W/05/1880, however planning permission was refused due to a housing moratorium in force across the district at that time. More recently application W/13/0957 was granted for a detached dwellinghouse by Planning Committee on 4th September 2013.

Therefore the principle of a detached dwelling on this site is considered to be acceptable.

Differences between the previous application and the current proposals

The differences between the previous application (W/13/0957) and the current proposals are:-

- An increase in ridge height by 0.6 metres to accommodate the roof pitch of the dwelling being increased by 2.5 degrees.

- A door and window at ground floor and two windows at first and second floor level on the western elevation.
- 3 windows within the first and second floor level within the eastern elevation; and
- The inclusion of steps down from the road level to the rear garden.

Siting and design

Whilst the increase in ridge height is 0.6 metres, the highest point of the proposed dwelling will sit approximately 12 metres from the back of the footpath. Due to the mix in existing housing types, styles and ages within the surrounding area, the proposed increase in ridge height is not considered to have a harmful impact on the visual amenity of the street scene.

Neighbours' Amenity

The siting of the proposed dwelling is similar to the siting of the previously approved dwelling and will not breach the 45 degree sightline when measured from adjoining properties or result in any significantly increased impact on the amenities of nearby neighbouring properties.

The additional windows within the side elevations will be required to be obscured glazed and the necessary separation distances to other surrounding properties and all window to window separation distances are met.

The revised design of the proposed dwelling will not have a significant impact upon the amenities of the occupiers of other surrounding properties.

Given that this is an infill dwellinghouse on a smaller plot it is considered prudent to remove permitted development rights relating to house extensions. Given the existing ability to erect garden buildings on this land it is not considered necessary to remove the future householders rights to do so, which are subject to more stringent height restrictions particularly within 2 metres of the property boundary.

Highway Safety

The proposed dwelling will provide an off-street driveway area suitable for parking two cars in accordance with the Council's Vehicle Parking Standards SPD. An integral garage space is also provided. The County Highway Engineer has raised no objection to the scheme, subject to conditions to ensure that an appropriate access crossing and driveway gradient is achieved.

A further condition is suggested to ensure that off-street parking is available prior to first occupation of the dwellinghouse and retained thereafter.

Landscaping/Ecology

The site is a mature residential garden and an apple tree will be removed to facilitate the scheme. The Ecologist has raised no objection but has suggested

that a fruit tree is planted in a suitable location in the garden of the new dwelling. The can be controlled by condition and is consistent with the aims of conserving and enhancing bio-diversity within the NPPF 2012. A condition is recommended to protect existing trees on site during the construction period.

The Ecologist has suggested nesting bird and reptile/amphibian notes be applied as the site is located near to a Local Nature Reserve/Local Wildlife Site. The site is within an area well used for foraging bats and the Ecologist has suggested that a bat box be incorporated into the new building, which can be controlled by condition.

Sustainability

In order to meet the required 10% renewable energy requirement set out in SPD Sustainable Buildings the applicant has opted for 10 solar PV panels on the rear (southeast) roof slope. This element can be successfully controlled by condition.

Health and Wellbeing

N/A

Other matters

An open space contribution is required in accordance with the Council's Open Space SPD, which can be secured through condition.

CONCLUSION/SUMMARY

In the opinion of the Local Planning Authority, the proposed development is of an acceptable standard of design which would not cause unacceptable harm to the streetscene in which the site is located and will not result in an unacceptable adverse impact on the amenity of nearby residents by reason of overbearing effect, loss of light or privacy. The proposal is therefore considered to comply with the policies listed.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 1312/P/01; 1312/P/02; 1312/P/03; 1312/P/04; 1312/P/05; 1312/P/06, & 1341/P/08 and specification contained therein, submitted on 20th December 2013. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

3 The development shall be carried out only in full accordance with sample details of the external materials which have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.

4 The development hereby permitted shall be carried out in strict accordance with the details of surface and foul water drainage works that 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 DP11 of the Warwick District Local Plan 1996-2011.

5 Unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy SC13 of the Warwick District Local Plan 1996-2011:

(i) no development shall commence unless or until a scheme for such provision or improvement (identifying the size/extent, location and specification of the space and works) has been submitted to and approved in writing by the Local Planning Authority; and

(ii) the dwellings hereby permitted shall not be occupied until the scheme so approved has been implemented.

REASON: To ensure the necessary infrastructure and facilities are provided in accordance with Policy SC13 of the Warwick District Plan 1996 - 2011.

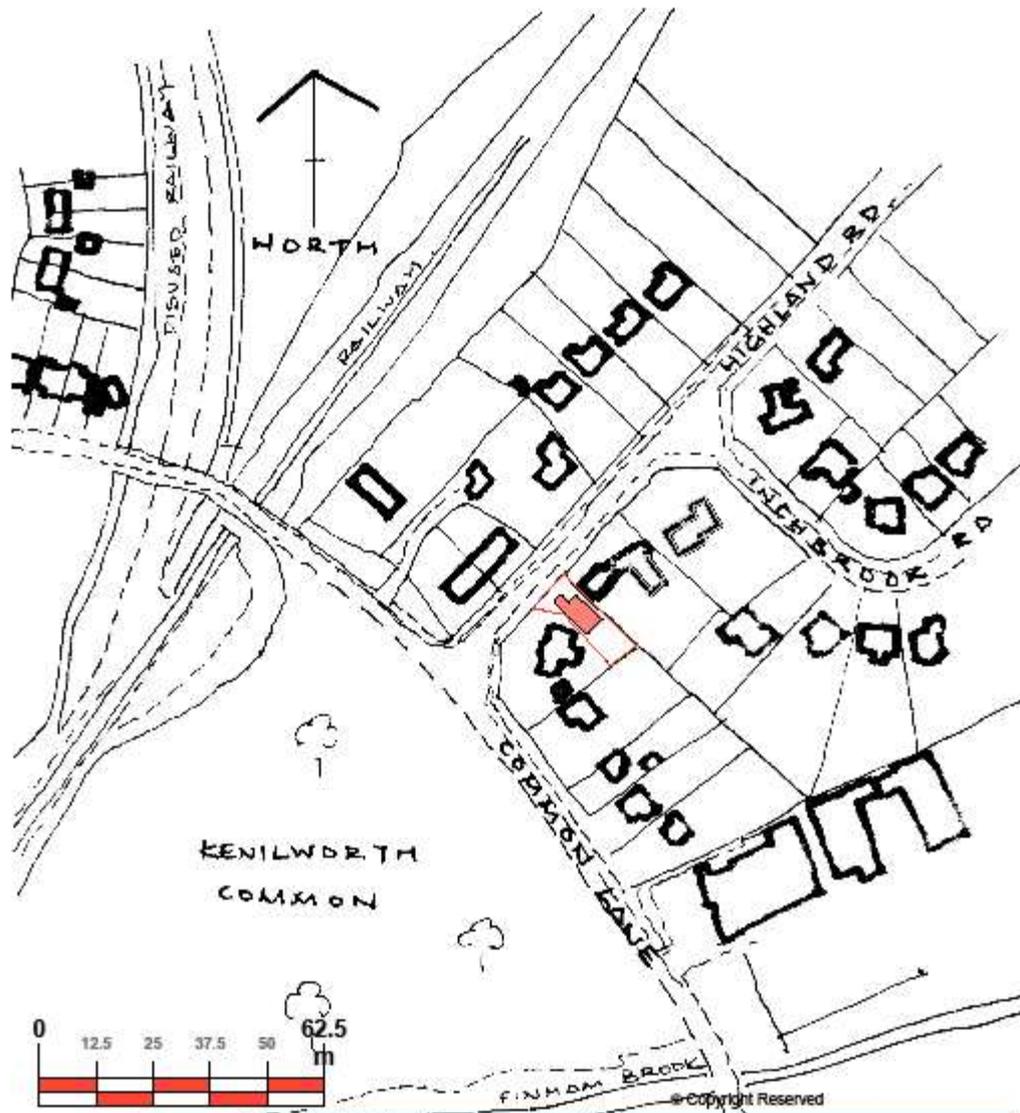
6 The development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full 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 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 dwellinghouse 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 DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.

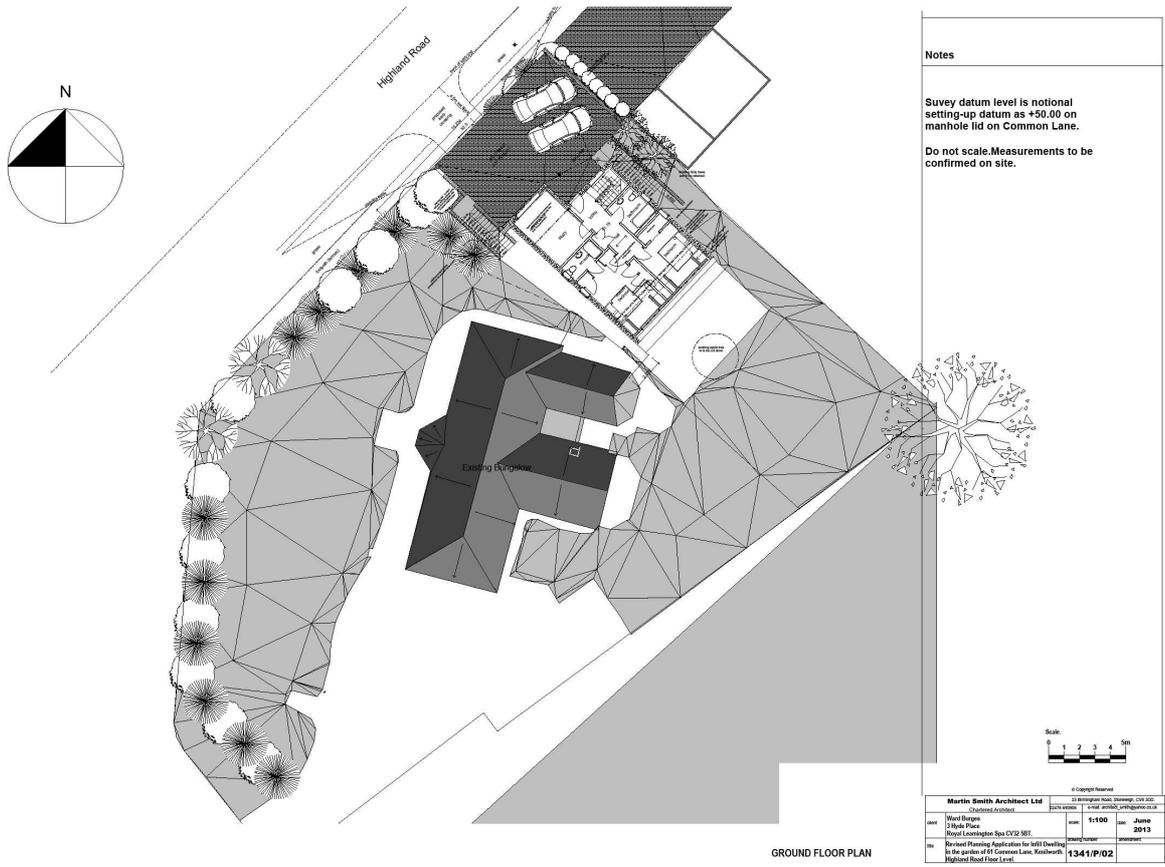
- 7 The development hereby approved shall not be occupied unless and until a scheme for the provision of a bat boxes to be erected on dwellinghouse hereby approved, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of box type, location and timing of works. Thereafter, the bat box shall be installed and maintained in perpetuity. **Reason :** In the interests of minimising the impacts on biodiversity and providing net gains in biodiversity in accordance with the National Planning Policy Framework 2012.
- 8 No use of the development hereby permitted shall commence unless and until an access for vehicles has been constructed to the site not less than 3 metres wide or greater than 5 metres wide at any point in accordance with standard specification of the highway authority. The gradient of the access shall not be steeper than 1 in 12 for a distance of 7.5 metres, as measured from the near edge of the of the public highway carriageway. **REASON:** To ensure that a pavement and verge crossing is available for use when the development commences thereby enabling safe and convenient access to and egress from the site in the interests of the safety of road users and pedestrians in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.
- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that Order with or without modification), no development shall be carried out which comes within Classes A, Part 1 of Schedule 2 of this Order, without the prior permission of the District Planning Authority. **REASON :** To retain control over future development of the premises in the interests of residential amenity, and to help meet the objectives of Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 10 The development hereby approved shall not be occupied unless and until the areas indicated on the approved drawings for vehicular manoeuvring space and parking have been completed and made available for use. Thereafter these areas shall at all times be kept free of obstruction and be available for those purposes. **REASON:** To ensure that a satisfactory provision of off-street car parking and turning facilities are maintained at all times in the interests of the free flow of traffic and highway safety in accordance with Policies DP6 & DP8 of the

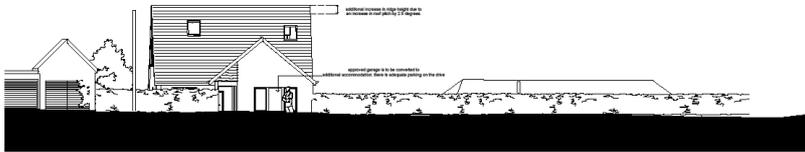
- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) the upper floor windows to be formed in the side (southwest) and (northeast) facing elevations of the dwellinghouse hereby permitted shall only be glazed or re-glazed with obscure glass and any opening part of any window shall be at least 1.7m above the floor of any room in which the window is installed. **REASON:** In the interests of the amenities of the occupiers of nearby properties in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011.
- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) no windows or openings, (apart from any shown on the approved drawings) shall be formed in the side-facing elevations hereby approved without the written approval of the local planning authority and if any additional windows are subsequently approved they shall only be glazed or re-glazed in accordance with such approved details and any opening part of any window shall be at least 1.7m above the floor of any room in which the window is installed. **REASON:** In the interests of the amenities of the occupiers of nearby properties in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011.
- 13 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 DP1 and DP3 of the Warwick District Local Plan 1996-2011.
- 14 The development hereby permitted shall not be first occupied unless and until the renewable energy scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with

manufacturers specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. **REASON** : To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.



Martin Smith Architect Ltd Chartered Architect		23 Birmingham Road, Stoneleigh, CV8 3DD. 02476 690906 e-mail: architect_smith@yahoo.co.uk	
client	Ward Burges 3 Hyde Place Royal Leamington Spa CV32 5BT.	scale:	1:1250
		date:	Dec 2013
title	Planning Application for Infill Dwelling. Site Location Plan within the garden of 61 Common Lane.	drawing number	1341/P/07
		amendment	

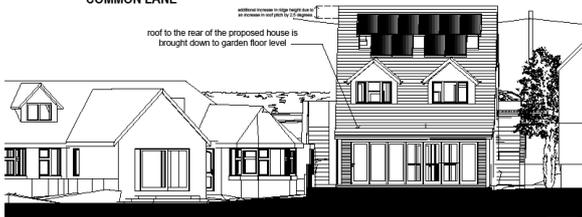




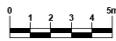
HIGHLAND ROAD ELEVATION



ELEVATION FROM THE GARDEN of No 61
COMMON LANE



ELEVATION FROM THE GARDEN of No 61
COMMON LANE
(looking towards Highland Road)



EAST ELEVATION FROM THE GARDEN

© Copyright Reserved

Martin Smith Architect Ltd		23 Birmingham Road, Stoneleigh, CV8 3DD	
Chartered Architect		t: 0121 7091100 e: martin.smith@martinsmitharchitect.co.uk	
client:	Ward Bingley 3 Hyde Place Royal Leamington Spa CV32 5BT.	scale:	1:100
date:	Proposed Elevations. Revised planning application for new house, garden of 61 Common Lane.	drawing number:	1341/P/05
		date:	Dec 2013
		revision:	

Planning Committee: 25 February 2014

Item Number: 15

Application No: W 13 / 1699

Town/Parish Council: Burton Green
Case Officer: Liz Galloway

Registration Date: 03/01/14

Expiry Date: 28/02/14

01926 456528 Liz.galloway@warwickdc.gov.uk

374 Cromwell Lane, Burton Green, Kenilworth, CV8 1PL

Raising of existing roof by 0.6 metres including two front and one rear dormer window and erection of a single storey side link extension. FOR Mr Taylor

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

RECOMMENDATION

Planning Committee are recommend to GRANT planning permission subject to conditions.

DETAILS OF THE DEVELOPMENT

The applicant seeks to remodel and increase the height of the roof of the original bungalow including the insertion of two front and one rear dormer window. The roof design will contain hipped roof ends to create a loft conversion to provide two bedrooms and a bathroom. The proposal also includes the erection of a single storey side extension to link the existing garage to create a study, kitchen, utility room and garage.

The Site and its Location

The site is situated within a row of similar 1950's houses within a stretch of ribbon development close to the edge of Coventry. This established residential area is characterised by large detached properties on the south-eastern side of Cromwell Lane and on the north east side by a mix of one storey, two storey, semi-detached, detached and terraced properties. The properties are of various architectural styles with large sized frontages including ample space for off road parking and this property has a large wide rear back garden.

The adjacent property 376 Cromwell Lane is located to the north west of the site and is of a bungalow style. The other adjacent property, 372 Cromwell Lane was granted permission in 2009 to create a loft extension with front dormer. The application property is of substantial width including high boundary walls and shrub/tree screening.

Cromwell Lane is an established residential road which leads from the centre of Burton Green into Coventry. The site is located within the Green Belt.

PLANNING HISTORY

There is no relevant planning history.

RELEVANT POLICIES

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- Vehicle Parking Standards (Supplementary Planning Document)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- National Planning Policy Framework

SUMMARY OF REPRESENTATIONS

Burton Green Parish Council: Objects on grounds of over-development, size of extension and out of character with the rest of the properties in the vicinity.

1 public response (376 Cromwell Lane): Objects on grounds of loss of privacy from side facing bedroom and rear facing stairway windows.

WCC Ecology: Following the submission and assessment of the bat survey, ecology recommend a bat and bird note.

ASSESSMENT

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

- The impact on the street scene
- The impact on the living conditions of nearby dwellings
- Renewable Energy
- Parking
- Ecology Issues
- The impact on the Green Belt

The impact on the street scene

The proposed alterations will be highly visible within the street scene, however, as Cromwell Lane contains various designs and types of dwellings including two storey houses and bungalows, it is considered that there would not be a

significant impact on the street scene in compliance with Warwick District Council Local Plan Policy DP1.

The impact on the living conditions of nearby dwellings

Policy DP2 requires that development does not lead to an unacceptable adverse impact on the amenity or nearby users or residents, and to provide acceptable standards of amenity for future users/occupiers of the development. The proposals will not harm adjoining uses and would therefore comply with this Policy.

Number 376 lies adjacent the northern boundary of the application site and has no side facing windows. This neighbour also has a rear single detached garage and an approximate 6 metre combined boundary gap with the application property. Furthermore, it is considered that in relation to windows belonging to habitable rooms at 376 Cromwell Lane, the proposal would meet the Council's adopted 45 degree guideline and would comply with Warwick District Local Plan Policy DP2.

Number 372 lies adjacent the southern boundary of the application site and as no extensions or alterations will lie immediately adjacent to this property, it is considered that this neighbour will not adversely suffer from loss of light, outlook or privacy. Furthermore, it is considered that in relation to windows belonging to habitable rooms at 372 Cromwell Lane, the proposal would meet the Council's adopted 45 degree guideline and would comply with Warwick District Local Plan Policy DP2.

The proposed extensions will have no material impact on any rear neighbours and the proposal meets the requirements set out in the Council's adopted Distance Separation Guidelines.

Renewable Energy

Due to the scale of the proposed development it is considered that a requirement to provide 10% of the predicted energy requirement of the development through renewables in accordance with Policy DP13 and the associated SPD would not be appropriate.

Parking

It is considered that there is sufficient off-street parking to the front of the property and that the proposed development would comply with Warwick District Council Local Plan Policy DP8 and the Council's adopted Vehicle Parking Standards.

Ecology issues

WCC Ecology have commented on this application site and the submitted bat survey, however, they consider that a cautionary bat and bird note would be

sufficient and that this application in its present form is acceptable and complies with Warwick District Council Policy DP3.

The Impact on the Green Belt

The application site contains a dormer bungalow with existing ground and first floors, including an existing detached garage. The proposed roof extensions and single storey side link extension do not represent an increase of more than 30% of the gross floor space of the original dwelling and it is considered that the development is a proportionate addition by reason of its scale, design and character. Furthermore, notwithstanding the proposed remodelling and increased height of the roof, the alterations are not considered to significantly harm the openness or character of the Green Belt. Therefore, the proposed alterations including the single storey extension are considered to comprise appropriate development in compliance with Warwick District Local Plan Policy RAP2 and the National Planning Policy Framework.

SUMMARY/CONCLUSION

In conclusion, it is considered that roof alterations and single storey side extension are acceptable in terms of their effect within the Green Belt; the character and appearance within the street scene and do not significantly impact on the amenities of surrounding neighbours such as would support a reason for refusal.

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 amended drawing 2348-03H and specification contained therein, submitted on 14th February, 2014. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 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 DP1 of the Warwick District Local Plan 1996-2011.



Ordnance Survey (c) Crown Copyright 2013. All rights reserved. Licence number 100020449

Site Location Plan 1:1250



