

Planning Committee Tuesday 1 December 2020

A meeting of the above Committee will be held remotely on Tuesday 1 December 2020, at 6.00pm and available for the public to watch via the Warwick District Council [YouTube channel](#).

Councillor Boad (Chairman)
Councillor Morris (Vice Chairman)

Councillor M Ashford
Councillor R Dickson
Councillor T Heath
Councillor O Jacques
Councillor J Kennedy

Councillor V Leigh-Hunt
Councillor N Murphy
Councillor N Tangri
Councillor J Weber

Agenda Part A – General

1. **Apologies & Substitutes**

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

2. **Declarations of Interest**

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

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

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

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

3. **Site Visits**

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

4. **Minutes**

(a) To confirm a correction to minute number 48, W/19/1200 – Land at SouthCrest Farm, Crewe Lane, Kenilworth, in the minutes of the meeting held on 6 October 2020 and approved on 4 November 2020.

(Pages 1 to 2 & Appendix 1)

(b) To confirm the minutes of the meetings held on 20 October 2020.

(Pages 1 to 7)

(c) To confirm the minutes of the meetings held on 21 October 2020.

(To follow)

(d) To confirm the minutes of the meetings held on 4 November 2020.

(To follow)

Part B – Planning Applications

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

5. **W/18/0643 – Land at King’s Hill Lane, Stoneleigh** **(To follow)**
Major Application

6. **W/20/0729 – 4 Risdale Close, Royal Leamington Spa** **(Pages 1 to 7)**

7. **W/20/1190 – 90 Queensway, Royal Leamington Spa** **(Pages 1 to 18)**

8. **W/20/1217 – 34 Watling Road, Kenilworth** **(Pages 1 to 7)**

9. **W/20/1264 – The Lodge, Wattcote Farm, Manor Lane, Wroxall**
(Pages 1 to 5)

Part C – Other matters

10. **Appeals Report** **(Pages 1 to 13)**

Please note:

(a) the background papers relating to reports on planning applications are open to public inspection under Section 100D of the Local Government Act 1972 and consist of all written responses to consultations made by the Local Planning Authority in connection with the planning applications referred to in the reports, the County Structure Plan Local Plans and Warwick District Council approved policy documents.

(b) all items have a designated Case Officer and any queries concerning those items should be directed to that Officer.

(c) in accordance with the **Council’s Public** Speaking Procedure, members of the public can address the Planning Committee meeting remotely by joining the remote meeting through their personal device on any of the planning applications or Tree Preservation Order reports being put before the Committee. If you wish to do so, please register online at [Speaking at Planning Committee](#) any time after the publication of this agenda, but **before 10.00am** on the working day before the day of the meeting and you will be advised of the procedure.

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

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

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Title: W/19/1200 – Land at SouthCrest Farm, Crewe Lane, Kenilworth considered by Planning Committee on 6 October 2020 – correction to minute number 48

Lead Officer: Lesley Dury

Portfolio Holder: N/A

Public briefing note / ~~Confidential briefing note~~

Wards of the District directly affected:

Contrary to the policy framework: No

Contrary to the budgetary framework: No

Key Decision: No

Included within the Forward Plan: No

Equality Impact Assessment Undertaken: N/A

Consultation & Community Engagement: N/A

Final Decision: Yes

Accessibility checked: Yes

Officer/Councillor Approval

Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive		
Head of Service	23 November 2020	Graham Leach
CMT		
Section 151 Officer		
Monitoring Officer		
Finance		
Portfolio Holder(s)		

1. Summary

To correct an error in the minutes of the Planning Committee meeting held on the 6 October 2020, which were subsequently approved at the 4 November 2020 meeting. The correction is in respect of minute 48, application reference W/19/1200 – Land at Southcrest Farm, Crewe Lane, Kenilworth on page 92.

2. Recommendation

To confirm that the incorrect words "on the site" be deleted and replaced with the correct wording, "in the project", in respect of minute number 48, page 92 of the Planning Committee minutes of the meeting held on 6

October 2020, application W/19/1200 – Land at SouthCrest Farm, Crewe Lane, Kenilworth as shown in Appendix 1 to this briefing note.

3. Background

At the Planning Committee meeting held on 6 October 2020, in respect of application W/19/1200 – Land at SouthCrest Farm, Crewe Lane, Kenilworth, the Planning Committee, on the suggestion of Councillor Kennedy, required that Condition 7 to be strengthened to secure net biodiversity gains in the project. It did not specifically request net gains on site, which is what was what was mistakenly recorded in the minutes for this meeting. These minutes were approved by the Planning Committee held on 4 November 2020.

When the Council's Solicitor, Max Howarth, was asked to finalise the application, he referred back to the recording of the meeting 6 October 2020 and discovered the error in the minutes. He subsequently advised the correction to be made, as shown in Appendix 1. No other changes in wording are required to the minutes.

The Planning Case Officer, Dan Charles, and the Democratic Services Manager & Deputy Monitoring Officer were consulted throughout.

Planning Committee

Minutes of the remote meeting held on Tuesday 6 October 2020 at 6.00pm, which was broadcast live via the Council's YouTube Channel.

Present: Councillor Boad (Chairman); Councillors Ashford, R. Dickson, Grey, Heath, Jacques, Kennedy, Leigh-Hunt, Morris, Tangri and Weber.

Also Present: Principal Committee Services Officer – Mrs Dury; Democratic Services Manager & Deputy Monitoring Officer – Mr Leach, Legal Advisor – Mrs Gutteridge; Business Manager – Development Management – Mr Sahota, Principal Planning Officers – Mr Charles and Mrs Hammond.

44. **Apologies and Substitutes**

(a) There were no apologies made.

(b) Councillor Grey substituted for Councillor Murphy.

45. **Declarations of Interest**

Minute Number 52 – W/20/1037 – St Mary's Lands, Warwick

Councillor Ashford declared an interest just before this item was started because **he was a Member of St Mary's Lands Working Party** and had been involved in certain discussions pertinent to the application. He then left the meeting.

46. **Site Visits**

There were no site visits made.

47. **Minutes**

The minutes of the meeting held on 9 September 2020 were taken as read and signed by the Chairman as a correct record.

48. **W/19/1200 – Land at SouthCrest Farm, Crewe Lane, Kenilworth**

The Committee considered an outline application from Gleeson Strategic Land for the demolition of an existing dwelling house and outbuildings; the residential development of up to 99 dwellings, including the creation of a new vehicular access, open space, landscaping and surface water attenuation.

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

The officer was of the opinion that the application was allocated within the Local Plan as part of the Education Allocation ED2, which was also washed over by allocation H40 for residential development.

PLANNING COMMITTEE MINUTES (Continued)

On the basis that it was confirmed that the land was surplus to education requirements, the scheme was acceptable to bring forward for residential development as part of H40.

When taken into consideration with the scheme for 620 dwellings across the remaining H40 allocation, the proposed number of dwellings would exceed the overall allocation of 640 dwellings by 79 units, which equated to approximately 12% above the overall allocation.

The applicant had demonstrated that the site was capable of accommodating a high quality scheme at that level which was acceptable in overall terms, including in respect of the integration of built development within the surrounding landscape and the site provided additional benefits in securing appropriate linkages with the adjacent sites to provide a comprehensive development across the overall allocation.

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

An addendum circulated at the meeting advised that the newly released figures stated that as of April 2020, the Council could demonstrate a 5.58-year housing land supply.

The addendum also stated in full the updated wording for the recommendation for the application.

Highways England maintained a holding response until 8 October for additional information regarding drainage matters. Highways England had also advised that it was to revise this response because progress had been made on resolving the outstanding drainage matter, and would be providing a condition imposition, which could be concluded through delegated authority, as per the revised recommendation in the addendum.

The following people addressed the Committee:

- Mr Jones, representing Kenilworth Town Council, which had objected to the application; and
- Mr Griffin, speaking in support.

(At 6.35pm, a fault on the YouTube livestream meant that the meeting had to be paused for five minutes until the fault was rectified.)

Members wished to ensure that there was a net gain in biodiversity ~~on the site,~~ in the project, so this was to be conditioned in consent, should this be given.

In response to a question from a Member, the Planning Officer suggested that a note to the applicant be issued for details on speed limit reductions and when these would come into effect on roads and whether anything could be done to bring these speed limit reductions forward. This could be examined before any decision on the application was issued. It was suggested that the 30mph limit should be a priority for consideration by the County Council Highways Department and it may be prudent to consider

PLANNING COMMITTEE MINUTES (Continued)

the speed limit reduction prior to commencement of construction works. It was also noted that works at the School, which had an access point on the same road, would, in all likelihood, commence before this application, and this might precipitate the reduction in the speed limit.

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

The Committee therefore

Resolved that W/19/1200 be **granted** subject to receipt of confirmation that the purchase of the school land has been completed to the satisfaction of the Local Planning Authority and Warwickshire County Council Education Services, which would confirm that the application site is therefore surplus to educational requirements. Permission is granted, subject to the conditions listed below and an additional condition regarding drainage (final wording to be confirmed by Highways England) and a Section 106 Agreement to secure the necessary financial contributions/obligations as set out in the report.

Delegated authority is given to the Head of Development Services in consultation with the Chair of Planning Committee to finalise the terms of the Section 106 Agreement including any variation to, or clarification of, the sums requested where the revised sums meet the relevant statutory test and finalise the wording of proposed conditions.

Delegated authority is given to officers to issue the decision following confirmation, in consultation with Warwickshire County Council Education Services, that the application site is surplus to educational requirements and following the receipt of further guidance from Highways England regarding the imposition of an additional condition concerning drainage.

Should a satisfactory Section 106 Agreement not have been completed within three months of the date of decision, delegated authority is given to the Head of Development Services to refuse planning permission on grounds that the proposal makes inadequate provision in respect of the issues the subject of that agreement.

Conditions:

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| (1) | <p>Reserved Matters</p> <p>details of the appearance, landscaping, layout and scale of the development (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out in strict accordance with these reserved matters as approved.</p> <p>Reason: To comply with Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2010 (as amended);</p> |
| (2) | <p>Submission of Reserved Matters Timescale</p> <p>application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.</p> <p>Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended);</p> |
| (3) | <p>Commencement of Development</p> <p>the development to which this permission relates shall begin within three years of the date of this permission or within two years of the final approval of the reserved matters, whichever is the later.</p> <p>Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended);</p> |
| (4) | <p>In Accordance with Plans</p> <p>the development hereby permitted shall be carried out strictly in accordance with the site location plan and the development area as detailed on the Parameters Plan reference 1824_060 Revision p2 received by the Local Planning Authority on 9 July 2019.</p> <p>Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| (5) | <p>Site Levels/Finished Floor Levels</p> <p>no development other than site clearance and preparation works shall take place until details of the finished floor levels of all buildings, together with details of existing and proposed site levels on the application site and immediate adjoining land have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with these approved details or any subsequently approved amendments.</p> <p>Reason: To ensure sufficient information is submitted to demonstrate a satisfactory relationship between the proposed development and adjacent land and buildings in the interests of amenity in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;</p> |
| (6) | <p>Construction Environmental Management Plan (CEMP)</p> <p>the development hereby permitted shall not commence on any phase of development until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority for that phase of development. The CEMP shall be compliant with the British Standard on Biodiversity BS 42020: 2013 published in August 2013. In discharging this condition, the Local Planning Authority expect to see details concerning pre-commencement checks and monitoring for protected and notable species, and habitats as deemed appropriate. In addition, appropriate working practices and safeguards for other wildlife dependent of further survey work, that are to be employed whilst works are taking place on site should be included. The CEMP shall include a timetable for the implementation of measures stated. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full.</p> <p>Reason: To ensure that protected species are not harmed by the development in accordance with National Planning Policy Framework (NPPF), ODPM Circular 06/2005</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | and Policies NE2 and NE3 of the Warwick District Local Plan; |
| (7) | no part of development hereby permitted shall commence until a detailed Landscape and Ecological Management Plan (LEMP) for that phase of development has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan shall also include details of tree and hedgerow retention; habitat enhancement/creation measures and management, such as ponds, wildflower grasslands; and the provision of habitat for protected species. The LEMP shall also include details on soil management to make best use of the high quality soils on site - detailed guidance to inform this matter is available in Defra 'Construction Code of Practice for the Sustainable Use of Soils on Construction Sites'. Such approved measures shall thereafter be implemented in full. |

Reason: To protect, enhance and/or restore habitat biodiversity in accordance with Policy NE3 of the Warwick District Local Plan 2011-2029;

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|-----|---|
| (8) | Protected Species Contingency Plan |
| | no development hereby permitted shall commence until a Protected Species Contingency Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include the following measures: |
| | a. Further bat roosting surveys in accordance with BCT Bat Surveys – Good Practice Guidelines, have been carried out and if appropriate a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the Local Planning Authority. Any approved mitigation plan shall thereafter be implemented in full. |
| | b. A pre-commencement badger survey carried out by a suitably qualified badger consultant and has been |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | submitted to and approved in writing by the Local Planning Authority. Any approved mitigation plan shall thereafter be implemented in full. |
| c. | Details on safeguarding great crested newts during construction and post development to include details of a development licence and appropriate mitigation strategy. |

The approved mitigation plan shall thereafter be implemented in full.

Reason: To ensure that protected species are not harmed by the development in accordance with Policy NE3 of the Warwick District Local Plan 2011-2029;

- (9) the development hereby permitted shall not commence until a detailed schedule of great crested newt mitigation measures (to include timing of works, protection measures, enhancement details, monitoring and further survey if deemed necessary) has been submitted to and approved in writing by the District Planning Authority. Such approved mitigation measures shall thereafter be implemented in full.

Reason: To ensure that protected species are not harmed by the development in accordance with Policy NE3 of the Warwick District Local Plan 2011-2029;

(10) **Construction Management Plan**

no development (including any works of demolition) hereby permitted shall commence until a construction method statement for that phase has been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highways Authority and Environmental Health. Thereafter, the approved statement shall be strictly adhered to throughout the construction period. The submitted statement shall provide for:

- A construction phasing plan
- An HGV routing plan
- Any temporary measures required to manage traffic during construction

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	<ul style="list-style-type: none">• Plans and details of haul roads within the site and for the turning and unloading and loading of vehicles within the site during construction• Details of all site compound areas including parking for construction workers• Dust management and suppression measures – level of mitigation determined using IAQM guidance• Wheel washing• Noise and vibration assessment and mitigation method statements for the construction activities; in accordance with provisions of BS 5228: 2009 Code of practice for noise and vibration control on construction and open sites – Part 1 and 2• Concrete crusher if required or alternative procedure• Delivery times and site working hours• Site lighting• Access and protection arrangements around the site for pedestrians, cyclists and other road users• Restrictions on burning and details of all temporary contractor's buildings• Plant and storage of materials associated with the development process• External safety and information signing notices• Complaints procedures, including complaints response procedures and dedicated points of contact• Best practicable means shall be employed at all times to control noise and dust on the site including: Work which is likely to give rise to noise nuisance be restricted to the following hours: Mon-Fri 7.30 am - 5 pm, Sat 7.30 am - 1pm. No working Sundays or Bank Holidays• Delivery vehicles should not be allowed to arrive on site between 7:30am and 9:15am and 4.30pm and 6:00pm Mon – Fri• How the construction will be managed to minimise the cumulative impacts on the highway network as a result of the construction of the site and HS2• A strategy to manage and maintain any construction materials from

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	entering or silting up the local ditch network
	<ul style="list-style-type: none">• Details to prevent silt or chemicals leaving the phase being constructed

The measures indicated within the Construction Management Plan shall be implemented prior to the commencement of development in each phase and maintained for the duration of the works, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and the free flow of traffic, minimising pollution and to protect the amenities of the occupiers of nearby properties, and the visual amenity of the locality in accordance with Policies BE3, TR1, TR4 and NE5 of the Warwick District Local Plan 2011-2029;

(11) **Low Emission Strategy**

no development shall commence unless and until a Low Emission Strategy has been submitted to and approved in writing by the Local Planning Authority. The Low Emission Strategy shall thereafter be implemented in strict accordance with the approved details.

Reason: To ensure mitigation against air quality impacts associated with the proposed development, in accordance with Policies NE5 and TR1 of the Warwick District Local Plan 2011-2029 and the aims and objectives of national guidance within the NPPF 2019;

(12) **Site Wide Drainage Strategy**

no development shall take place until a comprehensive site-wide surface water drainage strategy, based on sustainable drainage principles has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

- Demonstrate that the surface water drainage system(s) are designed in

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	<p>accordance with 'The SuDS Manual', CIRIA Report C753.</p> <ul style="list-style-type: none">• Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 50% (allowance for climate change) critical rain storm to the QBar Greenfield runoff rate of a total of 83.2 l/s for the site.• Demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in 'Science Report SC030219 Rainfall Management for Developments'.• Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.• Provide plans and details showing the allowance for exceedance flow and overland flow routing, overland flow routing should look to reduce the impact of an exceedance event.• Provide evidence of liaison with Highways England, regarding the discharge upstream and clearance of their asset, to ensure it is in a suitable condition to convey flow from the development.

Reason: To ensure that a satisfactory means of drainage is provided such as to minimise flooding, which promotes and maintains the good stewardship of the natural and built environment in accordance with Policies FW1, FW2 and NE4 of the Warwick District Local Plan 2011-2029;

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
(13)	Details of Surface Water and Foul Drainage

prior to the commencement of the development, details of surface water and foul drainage works shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details.

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

(14)	Tree Protection Scheme
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no part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the Local Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with BS5837: 2012 Trees in Relation to Design, Demolition and Construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the grounds levels be altered or any excavation take place without the prior consent in writing of the Local Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed.

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

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
(15)	Assessment of Landscape Features

notwithstanding the details within the submitted Arboricultural Assessment, prior to the submission of any reserved matters relating to layout, a report demonstrating how the proposed scheme has sought to retain as many existing hedgerows and trees within the site shall be submitted to and approved in writing by the Local Planning Authority. Where any features are to be removed, a rationale shall be provided to demonstrate that all alternative options have been considered. Thereafter, the layout shall be submitted in accordance with the approved details unless otherwise agreed in writing.

Reason: To retain existing landscape features to ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029;

(16)	Details of External Lighting
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no development shall take place under any relevant phase of development until a detailed scheme for all external lighting has been submitted to and approved in writing by the Local Planning Authority. In discharging this condition, the Local Planning Authority expects due consideration to be given to biodiversity, visual amenity and residential amenity.

Such works, and use of that lighting and/or illumination, shall be carried out and operated only in strict accordance with those approved details.

Reason: To ensure that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties and that appropriate measures are taken in relation to protected species in accordance with Policies BE3, NE2, NE4 and NE5 of the Warwick District Local Plan 2011-2029;

(17) **Sustainability Statement**

notwithstanding details contained within the approved documents, prior to commencement of development a Sustainability Statement including an energy hierarchy scheme for that phase and a programme of delivery of all proposed measures shall be submitted to and approved in writing by the Local Planning Authority. The document shall include;

- a. How the development will reduce carbon emissions and utilise renewable energy;
- b. Measures to reduce the need for energy through energy efficiency methods using layout, building orientation, construction techniques and materials and natural ventilation methods to mitigate against rising temperatures;
- c. How proposals will de-carbonise major development;
- d. Details of the building envelope (including U/R values and air tightness);
- e. How the proposed materials respond in terms of embodied carbon;
- f. Consideration of how the potential for energy from decentralised, low carbon and renewable energy sources, including community-led initiatives can be maximised;
- g. How the development optimises the use of multi-functional green infrastructure (including water features, green roofs and planting) for urban cooling, local flood risk management and to provide access to outdoor space for shading,

No dwellings shall be first occupied until the works within the approved scheme have been completed for each dwelling in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

No further development phases shall be inhibited from shared heating/cooling systems unless otherwise agreed in writing by the Local Planning Authority.

PLANNING COMMITTEE MINUTES (Continued)

No.

Condition

Reason: To ensure the creation of well-designed and sustainable buildings and in accordance with Policies CC1 and CC3 of the Warwick District Local Plan (2011-2029) and National Design Guidance (2019);

(18) **Noise Mitigation Measures**

prior to the submission of any reserved matters relating to layout, a scheme of mitigation including detailed arrangements to protect residents of the development from excessive noise from Glasshouse Lane traffic and the proposed playing fields and playground areas of the school (pursuant to planning permission W/19/0655), entering habitable rooms and the provision of quiet garden areas shielded from noise from both the existing road network and new roads within the site shall be submitted to and approved in writing by the Local Planning Authority.

The scheme should ensure that proposed measures whilst acoustically effective are designed to minimise visual impacts. It shall include full details of the design, siting and appearance of acoustic fencing or alternative measures that may be required.

Thereafter a Noise Mitigation Compliance Statement shall be submitted as part of the reserved matters submission for the residential development to demonstrate how the mitigation measure have been incorporated into the layout and design of the dwellings.

All dwellings shall be constructed in accordance with the approved details. The scheme for mitigating traffic noise shall be implemented in accordance with the approved details prior to the first occupation of any dwelling and shall be retained thereafter in perpetuity and any approved mitigation measures shall be implemented in accordance with the approved programme.

Reason: To protect residents of the development from the adverse effects of noise from within and outside the development in accordance with Policies BE3

PLANNING COMMITTEE MINUTES (Continued)

No. & NE5 of the Warwick District Local Plan
2011-2029;

(19) **Design Code**

notwithstanding details contained within the approved documents, prior to the submission of reserved matters for the development hereby approved, a Site Wide Design Code to include;

- a. A statement setting out how the design code adheres to the Development Principles in the Land East of Kenilworth Development Brief and where there is any deviation robust justification for this
- b. Hierarchy of streets/routes/sections (including the extent of adoptable highways and associated areas);
- c. Development blocks including built form and massing and relationship with adjoining development areas/blocks including areas of transition between development parcels (including the relationship between built form and adjoining open space);
- d. Building types;
- e. Building heights;
- f. The means to accommodate the parking of vehicles and cycles;
- g. Sustainable Urban Drainage features;
- h. Key spaces, open spaces and green features;
- i. Architectural language and detailing;
- j. A scheme of strategic landscaping (including site sections, site visuals, site levels, structural landscaping and hedgerow retention)
- k. Design principles for street tree planting and other structural planting landscaping areas;
- l. Design principles on hard and soft landscaping treatments (including surfacing materials for all public realm) and proposals for their long-term management;
- m. Design principles on waste disposal and recycling;
- n. Design principles on the colour and texture of external materials and facing finishes for roofing and walls of buildings and structures;

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | <ul style="list-style-type: none">o. Design principles for street lighting and any other lighting to public space (including parking areas);p. The principles shall include a regulating plan on an ordnance survey base at a scale no greater than 1:1250;q. A mechanism for periodic review and refinement if necessary, of the approved Design Code;r. Evaluation of site-wide District Heating. |

Shall be submitted to and approved in writing by the Local Planning Authority. The Site Wide Design Code shall be used in the assessment of future applications unless otherwise agreed in writing by the Local Planning Authority.

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

(20) **Ground Investigations and Mitigation to be Submitted (Pre- Commencement)**

notwithstanding details submitted as part of this application, prior to commencement of development ground investigations shall be undertaken in accordance with details that shall first be submitted to and approved in writing by the Local Planning Authority which shall include:

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

PLANNING COMMITTEE MINUTES (Continued)

No.

Condition

groundwater and surface waters associated on and off site that may be affected

- An appropriate gas risk assessment to be undertaken
- Refinement of the conceptual model
- The development of a method statement detailing the remediation requirements

b) The site investigation shall be undertaken in accordance with details approved by the planning authority and a risk assessment shall be undertaken;

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

d) Programme of delivery (if applicable)

Shall be submitted to and approved in writing by the Local Planning Authority. Any remediation shall thereafter be carried out in accordance with the approved details.

Reason: To safeguard health, safety and the environment in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029;

(21) **Contamination not Previously Discovered (Compliance)**

notwithstanding details contained within the approved documents, if during development, contamination not previously identified, is found to be present at the site;

a) No further development shall take place within that area of Reserved Matters Consent (unless otherwise agreed in writing with the planning authority for an addendum to the method statement);

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | b) This addendum to the method statement must detail how this contamination shall be dealt with; and
c) Programme of delivery (if applicable) |

Shall be submitted to and approved in writing by the Local Planning Authority. Any remediation shall thereafter be carried out in accordance with the approved details.

Reason: To safeguard health, safety and the environment in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029;

(22) **Verification of Remediation to be Submitted**

notwithstanding details contained within the approved documents, in the event that any phase of future development requires land remediation agreed through an approved method statement;

- a) Upon completion of the remediation a report shall be submitted to the Local Planning Authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved method statement; and
- b) A post remediation sampling and monitoring which shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

Shall be submitted to and approved in writing by the Local Planning Authority.

Any mitigating/monitoring works shall be carried out in accordance with the approved details.

Reason: To safeguard health, safety and the environment in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029;

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
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(23)	Water Efficiency
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notwithstanding details contained within the approved documents, prior to construction of each phase of residential development a scheme demonstrating how a water efficiency standard of 110 litres per person per day (or higher where appropriate) will be achieved giving consideration to the incorporation of grey water and rainwater recycling measures, shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved measures have been completed in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with the any relevant **manufacturer's specifications.**

Reason: To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policies FW3 and CC1 of the Warwick District Local Plan 2011-2029;

(24)	Provision of Access
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should access and local highway works have been implemented in pursuance of planning permission W/19/0655, the access to the development hereby permitted from Glasshouse Lane shall be carried out in accordance with plan reference ITB6145-GA-014 received on 12 September 2019 including footway and cycle works unless otherwise agreed in writing by the Local Planning Authority in consultation with the Local Highway Authority. The approved access to Glasshouse Lane shall be completed in general accordance with the approved details prior to the first occupation of any dwellings constructed on the site.

Should no works have been implemented in pursuance of planning permission W/19/0655, the access to the development hereby permitted from Glasshouse Lane shall be carried out in accordance with plan reference ITB6145-GA-009 Rev F received on 17 December 2019 including footway and cycle works unless otherwise agreed in writing by the Local Planning Authority in consultation with the Local Highway

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	Authority. The approved access to Glasshouse Lane shall be completed in general accordance with the approved details prior to the first occupation of any dwellings constructed on the site.

Reason: In the interest of highway safety and to ensure appropriate access is available for the future occupiers of the dwellings and that crossing points are provided for all highway users including pedestrians and cyclists in a timely manner having regard to Policies TR1 and BE3 of the Warwick District Local Plan 2011-2029;

(25) Details of Materials

no development shall be carried out above slab level unless and until a schedule of the external facing materials has been submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details.

Reason: To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;

(26) Provision of Hydrants

no development hereby permitted shall be occupied unless and until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire-fighting purposes has been submitted to and approved in writing by the Local Planning Authority and the approved scheme has been implemented in full in strict accordance with the approved details.

Reason: In the interest of fire safety and protection of public safety and to satisfy Policy BE1 of the Warwick District Local Plan 2011-2029;

PLANNING COMMITTEE MINUTES (Continued)

No. **Condition**
(27) **Surface Water Systems Maintenance Plan**

no occupation and subsequent use of the development shall take place until a detailed maintenance plan is submitted to and approved in writing by the Local Planning Authority giving details on how surface water systems shall be maintained and managed for the life time of the development. The name of the party responsible, including contact name and details shall be provided to the Local Planning Authority within the maintenance plan. The approved detailed maintenance plan shall thereafter be implemented in full prior to first occupation of the development.

Reason: To ensure the future maintenance of the sustainable drainage structures in accordance with Policies FW1 and FW2 of the Warwick District Local Plan 2011-2029;

(28) **Landscape Replacement Planting**

any landscaping (other than the planting of trees and shrubs) including boundary treatment, paving and footpaths referred to in condition 1 shall be completed in all respects, with the exception of tree(s), hedge(s) and shrub(s) planting, within the first planting season following the first occupation of dwellings within that phase and within the first planting season following the first occupation of the new school, and the tree(s), hedge(s) and shrub(s) shall be planted within six months of that first occupation. Any tree(s), hedge(s) or shrub(s) removed, dying, or becoming in the opinion of the Local Planning Authority seriously damaged, defective or diseased within five years from the substantial completion of the scheme shall be replaced within the next planting season by tree(s) or shrub(s) of similar size and species to those originally required to be planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations.

Reason: To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in

PLANNING COMMITTEE MINUTES (Continued)

No. **Condition**
accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029;

(29) **Retention of Existing Trees/Hedges**

the existing tree(s), hedge(s) and shrub(s) indicated to be retained on the submitted plans contained within the Arboricultural Impact Assessment (Update) reference edp3089_r003f February 2019 received by the Local Planning Authority on 12 March 2019, shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the Local Planning Authority. Any tree(s), hedge(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), hedge(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), hedge(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces).

Reason: To protect those trees and shrubs which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029;

(30) **Housing Mix**

the mix of type and size of market and affordable dwellings submitted as part of any reserved matters application must accord with the recommendations contained within the Housing Mix Supplementary Planning Document or the most up to date version of the Strategic Housing Market Assessment (should this post-date the SPD) at the point of submission unless an alternative strategy is agreed in writing by the Local Planning Authority.

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | Reason: To ensure that the housing meets the needs of the District as required by Local Plan Policy H4 of the Warwick District Local Plan 2011-2029 and the NPPF; |
| (31) | Open Space Provision

any Reserved Matters submission pursuant to layout shall demonstrate that the site meets or exceeds all Open Space typologies as set out within the Open Space Supplementary Planning Document.

Reason: To ensure an acceptable form of development for future occupiers in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029; |
| (32) | Pedestrian and Cycle Links

the reserved matters to be submitted pursuant to condition 1 shall include full details of how the development will ensure pedestrian and cycle connectivity both within the site and to adjoining land parcels and land uses including the remainder of the Land East of Kenilworth area.

Reason: In the interests of encouraging sustainable modes of travel in accordance with Policies HS1, HS6, BE1 and TR1 of the Warwick District Local Plan 2011-2029; |
| (33) | notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no permitted changes contained therein shall be enacted within the development hereby permitted. For the avoidance of doubt this shall include changes from C3 dwellinghouse to C4 Houses in Multiple Occupation.

Reason: To manage the balance of sustainable communities in accordance with Policy SC0 of the Warwick District Local Plan 2011-2029; |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| (34) | notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no gate, fence, wall or other means of enclosure shall be erected within the curtilage of any dwellinghouse fronting a highway or footpath

Reason: That having regard to the design, layout and general nature of the proposed development it is important to ensure that no further development is carried out which would detract from the appearance of the area and affect the amenity of adjacent properties; |
| (35) | a condition on biodiversity; and |
| (36) | a note to the applicant on speed limits. |

(Councillor Ashford arrived during the presentation, so did not participate in the discussions or the vote.)

49. W/20/0884 – Post Office, 97 Shrewley Common, Shrewley

The Committee considered an application from Mr Singh for the erection of a two storey rear extension to provide a first floor addition to the ground floor shop.

The application was presented to Committee because five letters of support had been received, Shrewley Parish Council supported the application, but the recommendation was to refuse permission.

The officer was of the opinion that the proposed development would represent a disproportionate addition to the application property which therefore meant that the proposal constituted inappropriate development in the Green Belt, which was harmful by definition. It would also be harmful by reason of harm to openness. There were considered to be no very special circumstances which would outweigh the harm identified.

The following people addressed the Committee:

- Councillor Wesbury, representing Shrewley Parish Council, which supported the application; and
- Mr Jowitt, who spoke in support.

Following consideration of the report, presentation, and the representations made at the meeting, it was proposed by Councillor Ashford and seconded by Councillor Weber that the application should be refused.

The Committee therefore

PLANNING COMMITTEE MINUTES (Continued)

Resolved that W/20/0884 be **refused** for the following reason:

No.	Refusal Reason
(1)	in the opinion of the Local Planning Authority, the proposed development represents a disproportionate addition to the original building and therefore constitutes inappropriate development in the Green Belt which is harmful by definition and by reason of harm to openness. No very special circumstances are considered to exist which outweigh the harm identified.

The proposed development is therefore contrary to the National Planning Policy Framework and to Policies DS18 and H14 of the Warwick District Local Plan 2011-2029.

50. **W/20/1055 – Hobournes, Upper Spring Lane, Kenilworth**

The Committee considered an application from Mr Frisby for the construction of two detached dwellings and ancillary site works.

The application was presented to Committee because of the number of objections receiving including one from Kenilworth Town Council.

The officer was of the opinion that the proposed development represented the provision of two dwellings, with adequate parking and amenity within a sustainable location. The development was considered to have an acceptable impact on neighbouring residential amenity and was considered to preserve the character of the Conservation Area. Subject to the conditions listed in the report, the development would have an acceptable impact on highway safety and would not result in an unacceptable loss of biodiversity or trees of amenity value. The development was therefore recommended for approval.

The following people addressed the Committee:

- Councillor Coker, representing Kenilworth Town Council which objected to the proposals; and
- Mr Hornbrook, who spoke in objection.

It was noted that the application was in a Conservation Area and that the **Council's own Conservation Officer had raised concerns that should not be overlooked** in this instance.

(At 7.50pm, the meeting was adjourned to start a new YouTube livestream. It recommenced at 8.08pm.)

Following consideration of the report, presentation and the representations made at the meeting, it was proposed by Councillor Morris and seconded by Councillor Ashford that the application should be refused. Councillor Morris had cited policies H1 and HE2 as reasons for refusal, but upon receipt of advice from the Business Manager - Development Management, amended

PLANNING COMMITTEE MINUTES (Continued)

this to policies H1 and HE1. He advised that HE2 was more concerned with the demolition of the Conservation Area.

The Committee therefore

Resolved that W/20/1055 be **refused** because it contravenes policies H1 and HE1.

51. **W/19/0816 – Coplow Wood, Sherbourne Hill, Sherbourne**

The Committee considered an application from Mr Salisbury for a change of use of land and siting of eight glamping pods, with associated works and car parking.

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

The officer was of the opinion that the principle of development was considered acceptable in accordance with Policy CT5 of the Warwick District Local Plan 2011-2029. There would be no visual harm resulting from the development and more importantly, no harm caused to the area of woodland in which the site was located or wider landscape setting. The proposed timber pods themselves were considered to be appropriate to the site and context and their construction method was deemed appropriate in order to minimise any physical harm to the trees and woodland setting, subject to a condition requiring further details in respect of construction and access. Officers were satisfied there would be no harm to neighbouring amenity nor would there be any harmful impacts on future users of the site as a result of noise. There would be no detriment to highway safety; the access was considered safe and suitable in the proposed location and the appropriate amount of parking was proposed. Subject to a condition, there were no concerns in respect of biodiversity and drainage and flood risk matters were considered acceptable. For the above reasons, it was recommended that planning permission should be approved.

Following consideration of the report and presentation, it was proposed by Councillor Kennedy and seconded by Councillor Ashford that the application should be granted.

The Committee therefore

Resolved that W/19/0816 be **granted** subject to the following conditions:

No.	Condition
(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);

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| (2) | <p>the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing 002 and specification contained therein, submitted on 16 May 2019 and approved drawing 001C, 006, 007 and BDS-08-18 Rev.C and specification contained therein, submitted on 15 January 2020.</p> <p>Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;</p> |
| (3) | <p>no part of the development hereby permitted shall commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan should include description of features to be managed, aims and objectives of management, prescriptions of management actions and a work schedule capable of being rolled forward over a repeating five-year period. Such approved measures shall thereafter be implemented in full.</p> <p>Reason: To ensure a net biodiversity gain in accordance with Policies NE2 and NE3 of the Warwick District Local Plan 2011-2029 and the NPPF;</p> |
| (4) | <p>notwithstanding the details submitted as part of the application, no part of the development hereby permitted shall commence until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The CMS shall provide for the access and construction details for the pods, including (but not necessarily limited to) method of delivery, method of construction and details of any felling that may be associated with the creation of a glade to the front of each pod. The development hereby permitted shall only proceed in strict accordance with the approved CMS.</p> <p>Reason: In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029;</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| (5) | no development or other operations (including demolition, site clearance or other preparatory works) shall commence unless and until a scheme for the protection of all existing trees has been submitted to and approved in writing by the Local Planning Authority and thereafter, the development shall be carried out in strict accordance with such approved measures which shall remain in place for the full duration of any such construction work. In addition no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). |

Reason: In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029;

- | | |
|-----|---|
| (6) | 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. Any tree(s) or shrub(s) removed, dying, or being severely damaged or diseased or becoming, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, [as soon as practicable/ within the next planting season] with tree(s) and shrub(s) of the same size and species as that originally planted. 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). |
|-----|---|

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | <p>Reason: To protect those landscape features which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029;</p> |
| (7) | <p>the development hereby permitted shall be carried out strictly in accordance with the approved Flood Risk Assessment (FRA) prepared by Willis & Co and dated July 2019.</p> <p>Reason: To prevent the increased risk of flooding in accordance with Policy FW1 of the Warwick District Local Plan 2011-2029;</p> |
| (8) | <p>the development hereby permitted shall not be occupied unless and until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority and the approved scheme has been implemented in full in strict accordance with the approved details.</p> <p>Reason: In the interest of the fire safety and protection of public safety and to satisfy Policy BE1 of the Warwick District Local Plan 2011-2029;</p> |
| (9) | <p>the use of the site for glamping purposes hereby permitted shall be limited to up to and including 8 pitches at any one time, in accordance with approved drawing BDS-08-18 Rev.C.</p> <p>Reason: In the interests of protecting a site of local importance for biodiversity and protecting the landscape character in accordance with Policies NE2 & NE4 of the Warwick District Local Plan 2011-2029; and</p> |
| (10) | <p>a note to the applicant to ensure suitable lighting from the car park to the pods in keeping with the surrounding area.</p> |

(Councillors Ashford and Jacques left the meeting.)

PLANNING COMMITTEE MINUTES (Continued)

52. **W/20/1037 – St Mary’s Lands**

The Committee considered an application from Warwick District Council to create four wetland scrapes.

The application was presented to Committee it was a Warwick District Council application.

The officer was of the opinion that the application would help create a wetland habitat that would increase biodiversity in the area and was viewed as a positive addition to the area. As such, it was recommended that planning permission should be granted.

Following consideration of the report and presentation, it was proposed by Councillor Morris and seconded by Councillor Heath that the application should be granted.

The Committee therefore

Resolved that W/20/1037 be **granted** subject to the following conditions:

- | No. | Condition |
|------------|---|
| (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) PL1-C8-GF-DR-L-0140 PL02, PL1-C8-GF-DR-L-0110 PL02 and PL1-C8-GF-DR-L-0141 PL01, and specification contained therein, submitted on 28/07/2020 and PL1-C8-GF-DR-L-0100 PL02 and specification contained therein, submitted on 07/09/2020

Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029; and |
| (3) | none of the excavated material shall be deposited on any land that falls within Flood Zones 2 or 3.

Reason: To ensure that the development does not increase flood risk, in accordance with Policy FW1 of the Warwick District Local Plan. |

PLANNING COMMITTEE MINUTES (Continued)

(The meeting ended at 8.52pm)

CHAIRMAN
4 November 2020

Correction on page 92 approved

CHAIRMAN
1 December 2020

Planning Committee

Minutes of the remote meeting held on Tuesday 20 October 2020 at 6.00pm, which was broadcast live via the Council's YouTube Channel.

Present: Councillor Boad (Chairman); Councillors R. Dickson, Heath, Jacques, Kennedy, Leigh-Hunt, Morris, Norris and Weber.

Also Present: Civic & Committee Services Manager – Mrs Tuckwell; Principal Committee Services Officer – Mrs Dury (observing only); Legal Advisor – Mr Howarth; Business Manager - Development Management – Mr Young; Principal Planning Officers – Mrs Hammond.

Before proceeding with considering the items on the agenda, the Chairman informed Members of the sad passing of the **Chairman of the Council's Consort**. A moment of silence was held and the Chairman asked that sincere condolences be passed on behalf of the Planning Committee of which Councillor Ashford was a member.

59. **Apologies and Substitutes**

- (a) Apologies were received from Councillors Murphy and Tangri.
- (b) Councillor Norris substituted for Councillor Ashford.

60. **Declarations of Interest**

Minute Number 62 – W/20/1068 – 38 Rawnsley Drive, Kenilworth,

On behalf of the Committee, Councillor Boad declared an interest because the applicant, Mr Hales, was a fellow District Councillor and therefore known to all Members of the Committee.

During consideration of the item, Councillor Kennedy declared an interest because the application site was within his ward.

61. **Site Visits**

There were no site visits made.

The Chairman informed Members that agenda item 6 - W/20/1009 – 17 Woodland Road, Kenilworth had been removed from the agenda because Kenilworth Town Council had withdrawn its objection.

62. **W/20/1068 – 38 Rawnsley Drive, Kenilworth**

The Committee considered an application from Mr and Mrs Hales for the rendering of the front, side and rear elevations of the dwelling house, and the erection of a single storey wrap-around extension with rendered side elevations (the extension was previously approved with matching materials under planning permission ref: W/20/0093).

PLANNING COMMITTEE MINUTES (Continued)

The application was presented to Committee because the applicant was an elected Member of Warwick District Council.

The officer was of the opinion that the main issue relevant to the consideration of this application was the impact of the proposal on the character and appearance of the area.

The wrap-around extension was granted planning permission in March 2020, albeit with matching materials rather than rendered side walls as proposed in the current application. As such, the principle of the extension and its impact on neighbouring properties had already been assessed and found to be acceptable, and therefore the assessment under the current application was limited to the proposed rendering of the side elevations, together with the rendering of the existing house as proposed.

The street scene was strongly characterised through the use of brick and tile construction and there was a notable absence of render as a facing material. Therefore, the proposal would result in an alien and incongruous feature in the street scene which would be out of keeping and harmful to the character and appearance of the street scene.

In the officer's opinion, the proposals were therefore considered to conflict with Local Plan Policy BE1 and paragraph 130 of the NPPF.

An addendum circulated prior to the meeting advised Members of support comments made by two neighbours which had been received. They stated that the proposals would improve the visual appeal of the property and the street, and that there were other rendered properties located on neighbouring roads. In addition, the rendering would improve the **property's insulation and would** improve the look of the local area.

Mr Hales, the applicant, addressed the Committee.

Councillor Kennedy **disagreed with the officer's comments in the report and** in fact, did not agree that the proposed development was incongruous with its surrounding street scene. Councillor Norris was aware that other properties on the same street were rendered, some in white, and believed these were part of the same street scene as the application site, which was not in a conservation area. He therefore considered that the proposal did not impact negatively on the street scene.

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

The Committee therefore

Resolved that W/20/1068 be **granted** subject to the addition of a condition regarding the approved plans.

PLANNING COMMITTEE MINUTES (Continued)

63. HS2/CAAD 20/01 - Application for Certificate of Appropriate Alternative Development, Kenilworth Golf Course

The Committee considered an application from Mr McCarthy, Club President of Kenilworth Golf Club, where land was being compulsorily purchased by HS2 Ltd., for a Change of Use of land from agriculture to an extension to Kenilworth Golf Course.

The application was presented to Committee because the application was made under the Land Compensation Act 1961, Section 17, as substituted by Section 63 of the Planning and Compensation Act 1991, and there was no delegation in place for officers.

The proposals arose from legislation which had been enacted to facilitate the delivery of the HS2 proposal and, in particular, were designed to assist homeowners and landowners in realising an appropriate financial return upon the compulsory purchase of a property by HS2 Limited.

A Certificate of Alternative Appropriate Development did not comprise a planning permission and did not permit development to be undertaken. Rather, it was intended to identify development which was considered to be acceptable and likely to obtain planning permission (were an application to be made) in order to assist in the valuation (for the purpose of compulsory purchase) of the property in question.

An application for a certificate could only be made by persons owning the land or property in question or the Authority making the compulsory purchase (in this case, HS2). Where a Certificate was granted, it related to the principle of a proposal only and for that reason, the legislation did not require applicants to submit detailed plans.

Similarly, there was no requirement for the Local Planning Authority to undertake any consultation or publicity and the proposal should be **considered under "normal" circumstances (i.e. without considering the HS2 proposal)** taking into account the relevant material considerations.

The officer was of the opinion that the development did not prejudice the openness and rural character of this Green Belt area, did not adversely impact on public footpaths, and was considered to comply with the policies listed. It was therefore concluded that planning permission would be granted again for the development, as with the previous planning permissions. It therefore followed that a Certificate of Appropriate Alternative Development should be issued.

Following consideration of the report and presentation, it was proposed by Councillor Morris and seconded by Councillor Norris that the application should be granted.

The Committee therefore

Resolved that the issuing of a Certificate of Appropriate Alternative Development HS2/CAAD 20/01 be authorised.

PLANNING COMMITTEE MINUTES (Continued)

64. **W/20/0805 – Allotment Site North of the Fairways and Northumberland Road, Royal Leamington Spa**

The Committee considered an application from Binswood Allotment Society for the erection of a replacement shed.

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

The officer considered the proposals acceptable on the basis of compliance with all of the relevant policies mentioned in the report and the application was recommended for approval.

Following consideration of the report and presentation, it was proposed by Councillor Norris and seconded by Councillor Heath that the application should be granted.

The Committee therefore

Resolved that W/20/0805 be **granted** subject to the following conditions:

- | No. | Condition |
|------------|---|
| (1) | the development hereby permitted shall begin no 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); and |
| (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) 'Figure 4 1: 500 Scale Map of Binswood Allotments', 'Figure 6 Ground Level Plan', 'Figure 7 Roof Plan and North Elevation', 'Figure 8 East Elevation and South Elevation', 'Figure 9 West Elevation' and specification contained therein, submitted on 7th July 2020.

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

65. **W/20/1155 – Units 3 and 5a, Princes Drive, Kenilworth**

The Committee considered an application from Buildbase Ltd for the variation of Conditions 6 (deliveries) and 7 (opening hours) of planning permission W15/0256 (Demolition of existing warehouse (Class B8) and replacement with storage yard, storage building, access vehicle parking and

PLANNING COMMITTEE MINUTES (Continued)

conversion of existing building to provide builders merchants (Sui Generis)) to extend opening hours and delivery times for a temporary period.

The application was presented to Committee because of the number of objections received, including one from Kenilworth Town Council.

The officer was of the opinion that following amendments to the proposed temporary opening hours and delivery time and amendment to the temporary period that was being applied for, it was considered that the proposal would not have a harmful impact on the amenity of neighbouring residential properties for the temporary period until 1 April 2021.

An addendum circulated prior to the meeting advised Members of some minor corrections to conditions 5 and 6.

Following consideration of the report and presentation, it was proposed by Councillor Norris and seconded by Councillor Heath that the application should be granted.

The Committee therefore

Resolved that W/20/1155 be **granted** subject to the following conditions:

- | No. | Condition |
|------------|--|
| (1) | the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing numbers 004B; 007H, 009A and 010B, and specification contained therein, submitted on 19 February 2015 and 12 May 2015.

Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029; |
| (2) | the development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO ² emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | be maintained strictly in accordance with manufacturer's specifications. |
| | Reason: To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy CC2 in the Warwick District Local Plan 2011-2029; |
| (3) | prior to the commencement of development hereby permitted, details of landscaping for the rear (south-east) boundary of the site showing means of enclosure, new planting and retained trees shall be submitted to and approved in writing by the Local Planning Authority. Any trees or shrubs removed without consent of the local planning authority or which die, become seriously damaged or diseased within a period of 5 years from the completion of the development, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority first gives written consent to any variation. |
| | Reason: To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029; |
| (4) | there shall be no deliveries (incoming or leaving) between the hours of 18:30 and 07:30 Monday to Fridays, between 13:00 and 08:00 on Saturdays and at no time on Sundays and Bank Holidays for a temporary period ending on 1 April 2021, following which permitted delivery hours shall revert to those specified in condition 6 of planning permission ref. W/15/0256. |
| | Reason: In the interests of the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029; |
| (5) | the opening hours of the premises shall be limited to: between the hours of 07:30 and 18:30 Monday to Fridays: between 08:00 and 16:00 on Saturdays and no time on Sundays and Bank Holidays for a temporary period ending on 1 April 2021, following which permitted opening hours shall revert to those |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | specified in condition 7 of planning permission ref. W/15/0256.
Reason: In the interests of the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029; and |
| (6) | the storage area identified on drawing number 007H shall not exceed 5 metres in height.
Reason: To protect the visual amenities of the area in accordance with Policy BE3 in the Warwick District Local Plan 2011-2029. |

(The meeting ended at 7.18pm)

CHAIRMAN
1 December 2020

Planning Committee: 01 December 2020

Item Number: 6

Application No: [W 20 / 0729](#)

Town/Parish Council: Leamington Spa
Case Officer: Emma Booker

Registration Date: 05/08/20
Expiry Date: 30/09/20

01926 456521 Emma.Booker@warwickdc.gov.uk

4 Risdale Close, Leamington Spa, CV32 6NN

Application of render to front and rear elevations of dwellinghouse FOR Mr M Griffin

This application is being presented to Planning Committee due to the number of support comments received from members of the public and it is recommended for refusal.

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The application seeks planning permission for the application of white-coloured render to the front and rear elevations of the dwellinghouse.

The proposal has been amended since the original submission of the application. As originally submitted, the applicant proposed to render all of the elevations of the property and affix vertical timber cladding at first floor level on the front elevation.

THE SITE AND ITS LOCATION

The application site is positioned on the east side of Risdale Close and benefits from frontage parking for two vehicles. The property has been extended at the rear at single storey level and has a modest rear garden.

The dwellings on Risdale Close are a mix of two house types. The larger dwellings at the northern and southern ends of the close are characterised by roofslopes of the main roof facing the road, a subordinate front gable feature, hanging tile and facing brickwork with grey/brown roof tiles. A degree of variation has been introduced to the design of these dwellings via the erection of a pitched roof over the integral garage at No.7.

The group of smaller dwellings, of which the subject dwelling forms a part of, comprise a large gable end with a flat roof projection at the front. Like the neighbours, these dwellings are characterised by hanging tile and facing brickwork, although some also feature within their principal elevations a small area of cladding between the first floor windows. At first floor level, the rear elevation of the subject property and its neighbours at nos. 1-3 are faced with a

brown-coloured pebble dash render. When observed from public vantage points, a degree of variation has been introduced to the design of this group of dwellings via the erection of modest front extensions and pitched roofs over the original front projection.

It is considered that character and appearance of the streetscene is strongly unified through dwellings of brick and tile construction with an element of hanging tiles as a feature. There is no render in the streetscene.

PLANNING HISTORY

No planning history for this site.

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- BE1 - Layout and Design
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Royal Leamington Spa Neighbourhood Plan 2019-2029
Officer Note - While this is not yet formally made (as it has not yet been through a referendum) the above document has been through its final examination and as such is afforded substantial weight in the decision making process.
- RLS4 - Housing Character Outside the Conservation Areas

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: No objection.

WCC Ecology: Recommend that a pre-determinative bat survey is carried out.

Public Response:

1 objection received which supports the rendering of the property in principle, however, considers that the proposed render colour is ambiguous within the application; preference would be for a softer colour than bright white as this colour would make the rear wall particularly prominent compared with the existing natural stone-coloured pebble dash, which is considered to blend in with the surrounding properties.

11 support comments have been received on the following grounds:

- The renovations to the property are much needed; The brown tiles on the front of the house and the pebble dash on the rear appear dated. Residents should be encouraged to enhance the appearance of their houses, modernise them, make them more energy efficient etc.
- The proposal will not look out of place on Risdale Close and will improve the appearance of the road in general;

- Many people in the area have improved the external appearance of their houses and modernised the look of the property, examples can be found at Borrowdale Drive, Emmerdale Drive, Cockermouth Close, The Fairways and Beverley Road. Many of these houses are different to adjacent houses but do not look out of place, they look great and are a vast improvement.
- Someone has to be the first to alter the appearance of the dwelling, it is suggested that there will be many more to follow.
- The revised proposals are an improvement over the previous version as the brickwork on the side elevations will be retained, this will help the property to blend in better with surrounding houses while still modernising and updating the appearance of the house.

ASSESSMENT

Design and impact on character and appearance of the streetscene

The NPPF (2019) places an increased emphasis on the importance of achieving good quality design as a key aspect of sustainable development. Paragraph 127 states that planning decisions should ensure that developments function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. It also states that decisions should ensure that developments are sympathetic to the local character, while not preventing or discouraging appropriate innovation or change. Lastly, it is stated that development should maintain a strong sense of place by using building materials which create attractive, welcoming and distinctive places to live work and visit.

Local Plan Policy BE1 echoes paragraph 127 of the NPPF and states that new development will be permitted where it positively contributes to the character and quality of its environment through good layout and design. 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. Proposals are expected to reinforce or enhance the established urban character of streets and reflect, respect and reinforce local architectural distinctiveness. Of particular relevance to this application, this policy also requires proposals to enhance and incorporate important existing features into the development by adopting appropriate materials and details.

Neighbourhood Plan Policy RLS4 relates to housing character outside of the Conservation Areas. In residential areas, the policy requires applicants to demonstrate how proposals have taken into account and responded to the predominant character (including local building styles and materials) in the street/road/locality within which the proposed development is situated.

The predominant and prevailing character of Risdale Close comprises dwellings which are uniform with regard to their external facing materials. The mixture of brick and hanging tiles is a consistent design feature and bright white render as proposed does not form part of the streetscene. As such it is considered that the

proposal to render the front elevation of the application property would appear at odds with the street scene.

Whilst it is acknowledged that the amendments to the application have reduced the extent of render proposed by retaining the brick side elevations, it is considered that the amendments do not go far enough to propose a design that would relate aesthetically to or harmonise with the uniform character of the street. Officers consider that an important feature of Risdale Close, which creates its distinctive character, is the contrast between the materials at first floor level and ground floor level within the principal elevation. It was recommended that the render be applied only to the first floor of the dwelling to reflect the current proportions of materials so that the dwellinghouse would harmonise with the prevailing character of the streetscene, however the applicant did not wish to amend the plans in accordance with this and instead submitted the amended plans.

11 support comments have been received from neighbours who have praised the design of the proposal and consider that it would lead to an improvement to both the dwelling and the street scene. The neighbours feel that the proposal would not look out of place and instead consider that it would lead to an improvement to the general appearance of the road. Officers acknowledge that the dwelling is currently in need of repair and maintenance as a result of being vacant for some time. The proposals would present a means by which repairs could be carried out, however, this is not considered adequate justification for approving a scheme which fails to appear sympathetic to the character of the streetscene and does not maintain the architectural distinctiveness of the cul-de-sac. It is also acknowledged that the proposals could improve the thermal efficiency of the dwelling, however, no evidence has been submitted as part of the application to demonstrate that this may be the case. It is considered that there are alternative and more appropriate ways in which the appearance of the dwelling could be improved whilst complying with the objectives of the NPPF and policies BE1 and RSL4.

Those in support of the proposal have drawn attention to the fact that homeowners in the local area have altered the external appearance of their homes through modernisation which has resulted in these houses appearing different to their neighbours. It is considered that in these cases the houses do not look out of place and are a vast improvement. Specifically, a neighbour has drawn attention to alterations undertaken in Borrowdale Drive, Emmerdale Drive, Cockermouth Close, The Fairways and Beverley Road.

11 and 15 Borrowdale Drive have recently applied render and timber cladding to the principal elevation of the dwellinghouse at first floor level, importantly the original facing brickwork compromised within the side elevations and at ground floor level on the principal have been retained. The balance of the render, cladding and brickwork materials is considered to adequately maintain the character of the street scene as the proportions of the existing facing materials reflects those of the original hanging tile and brickwork. The result are dwellinghouses which do not appear overly prominent as they continue to relate to the design and appearance of the neighbours by virtue of the fact that both

schemes retain the original brickwork which gives this streetscene its distinctive character. As highlighted by a neighbour, neither of these properties are visible from the application site so do not form a part of the Risdale Close streetscene. Therefore, the character and appearance of these dwellings should be afforded limited weight in the determination of the current planning application.

Ennerdale Close and Cockermouth Close are located at the rear of the application site in the easterly direction. 3 and 4 Ennerdale Close have altered their principal elevations through the application of render at first floor level. Importantly neither of these properties have rendered the entirety of the principal elevation and instead have retained the original facing brickwork at ground floor or have introduced an alternative material in order to reflect the original design of the principal elevation. Therefore, the design and appearance of 3 and 4 Ennerdale Close are appropriate and sympathetic to the streetscene and successfully integrate with their surroundings.

The same conclusion cannot be made for the proposal at 4 Risdale Close which fails to retain the important architectural features of the principal elevation which enable it to harmonise with its neighbours. It is not clear to Officers which dwellings in Cockermouth Close the neighbours refer to, this street and Ennerdale Close are further away from the application site than those located on Borrowdale Drive. The streetscenes of The Fairways and Beverley Road are distinctively different in character and located a significant distance from the application and are therefore not considered relevant to the assessment of the proposal. None of the properties within these streets contribute to the character of the Risdale Close streetscene, thus the character and appearance of dwellings within these streets should also be afforded appropriate limited weight in the determination of the current planning application.

The applicant has submitted a supporting statement which references a number of additional properties within the local area which have also been altered via the application of render; 1 Astley Close and 8 Cockermouth Close. For the same reasons previously discussed, the character and appearance of these dwellings needs to be afforded limited weight when considering the acceptability of the application of render to the entirety of the principle and rear elevation at 4 Risdale Close.

It is often the case that it is possible to find an example of similar development within the local area but it is important to stress that each case must be assessed on its own merits because the circumstances of each case are rarely the same. Within this area of Leamington Spa, the roads have their own distinctive character which the NPPF and policy BE1 seek to protect. In this particular case the uniform character of the Risdale Close streetscene is considered to be unique and would be negatively impacted by the proposed development, it is for this reason that the application of render to the entirety of the principle and rear elevation should be resisted.

With regard to the NPPF, Policy BE1 of the Local Plan and Policy RSL4 of the Neighbourhood Plan, Officers consider that the proposal would introduce a jarring feature at odds with the streetscene strongly defined by dwellings of

brick and tile construction. The proposal would result in an alien and incongruous feature which would harm the character and appearance of the streetscene and would be contrary to the policies listed.

Ecology

Local Plan Policy NE2 seeks to protect species of national and local importance for biodiversity and geodiversity. The policy stipulates that development will not be permitted that will destroy or adversely affect protected species.

Site photos were sent to the ecologist at Warwickshire County Council. They have commented that their main concern with the development would be for bat potential within hanging tiles. It is evident from the photos that a number of the tiles on the principle elevation of the property are raised, which could provide opportunities for crevice dwelling species. In this instance, given the extent of the alterations proposed and due to the fact that appropriate implementation could be implemented at the site, the ecologist has recommended that a condition be attached to any approval granted for an initial bat survey to be carried out prior to the works. They have advised that the initial survey is likely to utilise endoscope inspections and would help determine if any further survey work, such as activity surveys, would be required. These findings would then inform appropriate mitigation.

The above comments and recommendations from the ecologist have been received at the later stages of the application and the applicant has therefore not had reasonable opportunity to carry out an initial bat survey. The applicant has advised that the hanging tiles have already been removed in anticipation of the determination of the application. The removal of the tiles does not amount to development and falls outside of the control of the planning system. Nevertheless, the applicant is bound by legislation relating to protected species. Officers do not consider that it would be reasonable to add the condition as recommended and that it would be more appropriate, in the event of an approval, to add a bat note advising the applicant of their duty in respect to protected species.

REFUSAL REASONS

- 1 The NPPF (2019) places an increased emphasis on the importance of achieving good quality design as a key aspect of sustainable development. Paragraph 127 states that planning decisions should ensure that developments function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. It also states that decisions should ensure that developments are sympathetic to the local character, while not preventing or discouraging appropriate innovation or change. Lastly, it is stated that development should maintain a strong sense of place by using building materials which create attractive, welcoming and distinctive places to live work and visit.

Local Plan Policy BE1 echoes paragraph 127 of the NPPF and states that new development will be permitted where it positively contributes to the

character and quality of its environment through good layout and design. Proposals are expected to harmonise with, or enhance, the existing settlement in terms of physical form, patterns of movement and land use, and to reinforce or enhance the established urban character of streets. In addition, proposals should reflect, respect and reinforce local architectural distinctiveness through the incorporation of important existing features into the development by adopting appropriate materials and details.

Neighbourhood Plan policy RLS4 relates to housing character outside of the conservation area. In residential areas, the policy requires applicants to demonstrate how proposals have taken into account and responded to the predominant character (including local building styles and materials) in the street/road/locality within which the proposed development is situated.

The predominant and prevailing character of Risdale Close comprises dwellings which are uniform in design with regard to their external facing materials. The mixture of brick and hanging tiles is a consistent design feature and bright-white render does not currently make a contribution to the material palette within this street.

In the opinion of the Local Planning Authority the proposal would appear in stark contrast as an alien and incongruous feature in the context of the uniform use of brick and tile construction and would result in harm to the character and appearance of the streetscene. The excessive extent of render proposed would cause the dwelling to appear overly prominent within the street scene, thus it is considered that the development would have a negative impact on the character of the streetscene.

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

Planning Committee: 01 December 2020

Item Number: 7

Application No: [W 20 / 1190](#)

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

01926 456531 Helena.Obremski@warwickdc.gov.uk

Registration Date: 30/07/20

Expiry Date: 24/09/20

90 Queensway, Leamington Spa, CV31 3JZ

Demolition of existing semi-detached houses and erection of a residential block containing 9 apartments. FOR Shire Developments Limited

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The application seeks planning permission for the demolition of two existing semi-detached houses and the erection of a residential block containing 9 apartments. The scheme provides on site parking and the introduction of an additional access from Linkway.

The scheme has been amended during the course of the application to remove the use of render and improve the living conditions for the future occupiers in reference to the provision of adequate outlook. The parking and access arrangements have been amended in line with the recommendations from WCC Highways and the bin storage arrangements have also been amended in accordance with comments from Waste Management.

THE SITE AND ITS LOCATION

The application site currently benefits from two semi-detached dwellings which are accessed from Queensway. The site is at the end of a run of similarly designed residential properties along the north of Queensway, in an elevated position when approached from the west. To the west of the site is a McDonalds drive through restaurant, to the north is an area of public open space known as Fords Fields and to the south of the site is a mixture of residential and commercial premises, including an Aldi supermarket. The north of the site runs along the Canal Conservation Area boundary. The canal itself is located approximately 150 metres away to the north.

PLANNING HISTORY

W/19/1309 - application withdrawn for the demolition of existing semi-detached houses and erection of a residential block containing 9 apartments.

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- H1 - Directing New Housing
- BE1 - Layout and Design
- BE3 - Amenity
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources
- CC2 - Planning for Renewable Energy and Low Carbon Generation
- TR1 - Access and Choice
- TR3 - Parking
- FW3 - Water Conservation
- H4 - Securing a Mix of Housing
- Guidance Documents
- Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Royal Leamington Spa Neighbourhood Plan 2019-2029
Officer Note - While this is not yet formally made (as it has not yet been through a referendum) the above document has been through its final examination and as such is afforded substantial weight in the decision making process.
- RLS1 - Housing Development Within the Royal Leamington Spa Urban Area
- RLS2 - Housing Design
- RLS4 - Housing Character Outside the Conservation Areas
- RLS5 - Royal Leamington Spa Housing Mix and Tenure

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: No objection, subject to appropriate provision being made for a separate access point for pedestrians, particularly in terms of access to Fords Field and crossing opposite to the cycle path to Aldi.

Councillor Chilvers: Neutral, for this application to have my support it would need to have high standard separate pedestrian access - ideally towards both Fords Field and the crossing opposite the cycle path by Aldi. Such an access would reduce the number of vehicle journeys because it would be easier to get to the Shires and Morrisons / town on foot. In light of the Climate Emergency declared by the Council if there is a balance between 'character of the area' and high standard energy efficient design weight should be given to measures that contribute towards the site being as close to zero carbon as possible.

WCC Landscape: No objection, the applicant should provide a detailed Landscape Plan to include all hard and soft landscape, including boundary treatments etc. The gap in the hedge at the north west corner should be infilled using species to match adjacent plants within G3. The boundary planting would also benefit from an additional light foliated tree to provide light screening / framing to the proposed building.

WCC Highways: No objection, subject to conditions.

Inland Waterways: No objection.

Canal and River Trust: No objection.

Environmental Protection: No objection, subject to conditions.

WCC Ecology: No objection, subject to conditions.

Waste Management: No objection, note that recycling storage has not been provided and query on distance from bin storage areas to dropped kerbs.

Tree Officer: No objection, subject to condition.

Public Responses:

1 Neutral: increase in traffic congestion and queuing - all vehicles should access the site from Linkway. The postal address should be Linkway to ensure deliveries and visitors do not park on Queensway.

8 Objections:

- there is too much ambiguity regarding the height of the proposed development;
- the shape and materials do not tie in with the existing buildings;
- the development will cause added noise and disturbance to an area that already suffers from noise pollution from vehicles and anti-social behaviour;
- concern regarding impact of development in relation to subsidence and noise impacts during construction works;
- additional traffic along an already congested road - a comprehensive construction method statement is required;
- impact of additional traffic on highway and pedestrian safety and parking;
- lack of visitor parking and impact on existing residential parking;
- there are enough flats in this area already;
- those supporting the proposals do not live in areas which will be affected by increased parking.

2 Support:

- the development will enhance the area, is an improvement on the current buildings, and is very in keeping with the surrounding area;

- is in an ideal location for people to live without using the car, making it a sustainable location;
- the secure cycle storage and electric charging points make it more environmentally friendly;
- the proposal offers much needed smaller accommodation;
- the development would be built to current building standards, being far more energy efficient than the current accommodation.

ASSESSMENT

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

- Principle of Development
- Impact on the Character and Appearance of the Area
- Impact on the Setting of the Conservation Area
- Sustainability
- Impact on Neighbouring Residential Amenity and Amenity of the Future Occupiers of the Dwellings
- Parking and Highway Safety
- Waste Management
- Trees
- Ecology
- Drainage
- Housing Mix
- Other Matters

Principle of Development

RLSNDP Policy RLS1 states that new housing development within the Royal Leamington Spa Urban Area will be supporting for the following:

1. Re-use of previously developed land and buildings.
2. Infill development of less than 10 dwellings, that does not lead to the loss of residential gardens (unless in accordance with Policy H1 of the Warwick District Local Plan), overdevelopment, or have a significant adverse impact on the amenity of adjacent existing and future occupiers and uses.
3. Proposals for custom and self-build housing provision that are acceptable when assessed against Warwick District Local Plan Policy H15.
4. Community-led housing developments and the provision of live/work units on the Court Street area as defined in allocation H16 of the Local Plan.
5. Proposals for purpose-built student accommodation when positively assessed against Local Plan and any relevant supplementary planning document.

Development of previously developed land shall undertake a surface water outfall assessment, following the Drainage Hierarchy (National Planning Practice Guidance, paragraph 80) to determine if there are viable alternatives to existing connections to the combined sewer network.

The proposal would represent the reuse of previously developed land within the urban area boundary and therefore meets the above requirements for new housing development.

The agent has confirmed that the development would not be connecting to a combined sewer system. The stormwater will either go to soakaways, if the ground conditions are suitable, or more likely to an attenuation tank, with the outlet connecting to an existing surface water sewer running adjacent to the site, as shown on the drawings. Therefore, a surface water outfall assessment is not deemed necessary in this instance.

Local Plan Policy H1 states that new housing development will be permitted within the urban areas. Leamington Spa is identified as being an urban area on the proposal maps and therefore meets this criteria. The principle of housing on this site is therefore considered to be acceptable and accords with the requirements of Local Plan Policy H1 and RLSNDP Policy RLS1.

The impact on the Character and Appearance of the Area

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

RLSNDP Policy RLS2 states that planning proposals for new housing development will be required to achieve good design. They should function well for all by being ***Lifetime Homes*** and make a positive contribution to the quality of the built environment in Royal Leamington Spa. Proposals will be assessed against Warwick District Local Plan Policy BE1 and should have regard to any relevant Supplementary Planning Documents, including the Warwick District Council ***Residential Design Guide SPD***.

RLSNDP Policy RS4 states that in residential areas, outside of the Conservation Areas, applicants will be expected to demonstrate how housing development proposals have taken in to account, and responded to, the predominant character (including local building styles and materials) in the street/road/locality within which the proposed development will be situated. Proposals should retain and create new off-street car parking. Innovative and contemporary design that respects and responds in a positive manner to local character will be supported. Proposals should seek to maintain views of higher slopes, skylines and the wider landscape. Proposals that fail to respect the character of an area and result in poor design will not be permitted.

Members of the public raise concern regarding the proposed development, stating that there is too much ambiguity regarding the height of the proposed development and that the shape and materials do not tie in with the existing buildings.

Supporters of the proposal state that the development will enhance the area, is an improvement on the current buildings, and is very in keeping with the surrounding area.

The existing properties are in a relatively prominent position, on elevated ground level and act as the marker to a fairly uniform run of two storey residential properties along the north of Queensway when approached from the west. Under the previous application which was withdrawn, Officers felt that the development was incongruous in that it did not relate to the development which it would sit adjacent to and would have appeared out of keeping. The scheme was withdrawn and the amended submission has successfully addressed Officer's concerns. The proposal now incorporates gable frontage designs which mimic the gable features of the existing residential properties and the materials, as amended, will match those of the dwellings which it would sit next to, being of brick and tile construction.

The height of the smaller gable has been reduced so that it would tie in with the ridge height of the adjacent property and the building steps down towards the west of the site, matching the different land levels to provide an additional floor. This is considered to have been sensitively designed into the scheme so that the development turns the corner and provides an active frontage towards the west, which is still in keeping with the existing pattern of development along the north of Queensway. The larger front facing gable has been designed to be the same height as 88 Queensway, thus providing an appropriate reference point and therefore the height of the development will not be out of keeping within the wider street scene. It is also noted that finished floor levels have been provided on the drawings, therefore it is not considered that there is any level of ambiguity regarding the proposed height of the development.

The design of the development is considered to meet with the requirements of policy RLS4 as it would create new off-street car parking and provides a form of development which responds positively to the adjacent residential character.

The proposed materials can be controlled by condition to ensure a high quality development. The amended scheme is considered to provide an appropriate form of development which would represent an efficient use of the land which is currently under utilised, in a sustainable location. The proposal is considered to respond appropriately to its surroundings, providing a modern development which also respects the existing built form. Therefore, the proposed development is considered to be in accordance with Local Plan Policy BE1 and the relevant RLSNDP policies.

Impact on the Setting of the Conservation Area

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

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

Policy HE1 of the Local Plan states that development will not be permitted if it would lead to substantial harm to the significance of a designated heritage asset. Where the development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal. The explanatory text for HE1 clarifies that in considering applications relating to Conservation Areas, the Council will require that proposals do not have a detrimental effect upon the integrity and character of the building or its setting, or the Conservation Area. Local Plan policy HE2 supports this and states that it is important that development both within and outside a conservation area, including to unlisted buildings, should not adversely affect its setting by impacting on important views and groups of buildings within and beyond the boundary.

Although the site is located adjacent to the boundary of the canal Conservation Area, the canal is some 150 metres from the site. Furthermore, the site faces away from the watercourse and is separated from it by public open space. The existing buildings whilst of an appropriate design for the context, are not considered to add value to the setting of the Conservation Area and therefore their removal is considered to be acceptable in principle. The Conservation Officer has been consulted and comments that they have no objection in principle to the proposed development. They note that the development site is not read in any context with the canal side and does not impose on any key visuals. The materials proposed, including clay tiles and aluminium windows, are high quality and they support the use of these, subject to approval of samples via a condition, which has been added. Render has now been removed from the proposal, with the façade comprising of brickwork which better relates to the urban character of Queensway.

It is also noted that the Inland Waterways and Canal and River Trust have no objection to the development. The proposal is therefore considered to preserve the setting of the Conservation Area and is considered to be in accordance with Local Plan policies HE1 and HE2.

Sustainability

Neighbourhood Plan Policy RLS2 states that applicants are encouraged to go beyond prevailing sustainable development standards, particularly with regard to environmental performance of buildings, resource consumption and recycling. Where possible, proposals should aim to achieve Level 4 of the Code for Sustainable Homes and the incorporation of higher environmental standards such as Passivhaus or a similar approach is encouraged. When considering such measures applicants and decision-makers will need to ensure that there is a balance between the need for innovation and respecting and harmonising with buildings and local quality and character of surrounding development. ***Building for***

Life, or an equivalent assessment framework, should be used to assess the suitability of proposals.

Councillor Chilvers has commented that in light of the Climate Emergency declared by the Council if there is a balance between 'character of the area' and high standard energy efficient design weight should be given to measures that contribute towards the site being as close to zero carbon as possible. Members of the public in support of the application state that the development would be built to current building standards, being far more energy efficient than the current accommodation, and that the secure cycle storage and electric charging points make it more environmentally friendly.

The applicant has provided a Sustainable Homes Assessment in order to address part of policy RLS2 which provides a useful overview of the sustainability aspirations of the proposed development. This informs that the proposal has been assessed against The Code for Sustainable Homes, as the headings are still a useful guide (despite being superseded), the National Technical Standards and current Building Regulations. The development meets current planning requirements and Building Regulations, and the apartments are at least Level 4 of The Code for Sustainable Homes. Using energy efficiency measures such as triple glazing, ventilation, heating measures, solar panels and energy efficient lighting the applicant concludes that the level will be higher than Level 4, but would not reach Level 5. This is considered to meet with the requirements of policy RLS2.

The applicant has provided an assessment of the proposed development against Building for Life 12 (BfL12), which is proposed as a design tool to help structure discussions about proposed new residential development between home builders, Urban Development Corporations, local authorities, communities and other stakeholders. There 12 criteria against which proposed development should be assessed and the answers to the 12 criteria / questions are scored as either green, **amber or red with an aim to achieve as many 'greens' as possible with a recommendation in the guidance of at least 9, for 'amber' scores to be challenged and for 'red' scores to be avoided.**

The applicant scores the proposal with 9 green scores, three amber scores and no red scores. The applicant has also explained that where the development scored amber (public and private amenity spaces; streets for all; and, easy to find your way around), these are not wholly applicable to the assessment of a development of this scale, with this being a small development of 9 apartments. Officers agree with this approach, noting that no public amenity areas would be required because of the scale of the development, that there is no "street" as such provided by the development because of its scale and that the proposal again is of such a scale where it would not become difficult to navigate. The applicant has articulated why they consider the remaining 9 criteria should be considered as green, such as the fact that the development is well served by public transport, that the development takes character inspiration from nearby development and how the development has been designed to work well with the different site levels. Officers concur with these conclusions. The requirements of Policy RLS2 are therefore considered to have been met.

Impact on Neighbouring Residential Amenity and Amenity of the Future Occupiers of the Dwellings

Warwick District Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a responsibility for development not to cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion. The Residential Design Guide SPD provides a framework for Policy BE3, which stipulates the minimum requirements for distance separation between properties and that extensions should not breach a 45 degree line taken from a window of the nearest front or rear facing habitable room of a neighbouring property.

Members of the public consider that the development will cause added noise and disturbance to an area that already suffers from noise pollution from vehicles and anti-social behaviour.

Impact on neighbouring residential amenity

The proposed development would not result in a conflict with the Council's 45 degree guidance or an under provision of the required distance separations between the existing and proposed development.

A construction management plan has been submitted with the application which sets out how nuisance to nearby residential dwellings will be minimised during the works which has been assessed by the Council's Environmental Health Officer. They consider that the information provided is acceptable and would ensure adequate protection of neighbouring residential amenity. A condition will be added to ensure that the works are carried out in accordance with the details submitted.

It is therefore considered that the proposed development would have an acceptable impact on amenity.

Living conditions for the future occupiers

As amended, all of the proposed apartments would be provided with adequate outlook, light and privacy in accordance with the requirements of the Council's relevant supplementary planning guidance. Officers did have some concerns about the outlook for bedrooms facing towards the east of the site, however the drawings have been amended so that these rooms are provided with an acceptable north facing outlook.

An amenity area has been provided on site for the future occupiers which meets with the minimum size requirements set out within the Residential Design Guide.

A noise assessment was provided in support of the application which identifies that noise levels at the proposed development site are elevated therefore noise mitigation measures are necessary. The noise report recommends that an acoustic fence is provided along the boundary of the development and that a glazing and ventilation scheme is provided for the properties themselves. These measure will ensure that the recommended indoor and outdoor noise criteria from the World Health Organization guidelines and BS8233: 2014 can be achieved. A condition

will be added to ensure that these mitigation measures are installed prior to occupation and retained.

For these reasons the proposed development is considered to be in accordance with the NPPF and Local Plan Policy BE3.

Parking and Highway Safety

Members of the public have raised concerns regarding the increase in traffic congestion and queuing associated with the proposed development, and suggest that all vehicles should access the site from Linkway. The postal address should be Linkway to ensure deliveries and visitors do not park on Queensway. Members of the public also raised concerns regarding the impact of additional traffic on highway and pedestrian safety and parking, and note that there is a lack of visitor parking and the impact this would have on existing residential parking. It should be noted that these comments were submitted in reference to the originally submitted plans, rather than those which have been amended.

The parking requirement for the proposed development in accordance with the Vehicle Parking Standards is 13 spaces, which have been provided within the site boundaries (2 of the spaces are provided in an undercroft). A secure dedicated cycle storage area is also provided which would accommodate the required number of spaces. Owing to the scale of the development, there is no policy requirement for the provision of visitor spaces.

An access is proposed to the site from Linkway, in addition to the access from Queensway. It should be noted that the access from Queensway is existing and that two dwellings currently utilise this. WCC Highways initially raised concerns regarding the intensification of the existing access and impact on the highways network. The site layout has been reorganised so that five, rather than eight vehicles would access the site from Queensway, with the remaining vehicles using the access from Linkway. Considering that currently the parking requirement for the site is four spaces, this is an intensification of the access from Queensway by one space and is considered to have an acceptable impact on the highways network. WCC Highways therefore now have no objection to the proposed development on the basis of highway or pedestrian safety concerns, subject to conditions.

A construction management plan has been submitted, which the Highways Authority considered to be acceptable, and will be secured by condition.

The proposal is therefore considered to be in accordance with Local Plan Policies TR1 and TR3, and the Vehicle Parking Standards SPD.

Waste Management

Waste Management initially raised concerns regarding a lack of sufficient waste storage. This have been updated on the plans so that two dedicated communal waste and recycling storage areas are provided, which meet with Waste Management's criteria. It is noted that the waste storage containers nearest to Queensway would be 12 metres, rather than the suggested 10 metres from the highway. However, given that on balance that it is just two additional metres

which the operatives will need to move the bins along a well maintained, flat surface and that the proposal in all other respects is acceptable, this is considered to be a modest compromise in order to facilitate the development.

Trees

There are a number of trees to the north of the site within the public open space and a large street tree to the south of the site which hold levels of amenity value. A tree survey was submitted in support of the application which has been assessed by the Council's Tree Officer. One tree within the central portion of the site, which is category C (of low quality and value) will be moved to another location and a group of buckthorn which is category U (in such a condition that existing value would be lost within 10 years and should be removed) will be removed. Neither of these trees are considered to have amenity value and their loss is not considered to be harmful in terms of amenity.

The Tree Officer has assessed the application and states that the loss of one tree within the site has been adequately justified, along with the removal of defective marginal trees. A detailed arboricultural method statement will be required if the proposal is approved, which must embrace the highway tree labelled T3 and the buffer to the north of the site, T5 – T11 as well as the boundary trees in G1 to G3. This can be adequately secured by the condition recommended by the Tree Officer which has been attached.

The Landscape Officer has requested that a detailed Landscape Plan to include all hard and soft landscape, including boundary treatments is provided. They request that the gap in the hedge at the north west corner should be infilled using species to match adjacent plants within G3. The boundary planting would also benefit from an additional light foliaged tree to provide light screening / framing to the proposed building. A condition for a landscaping scheme has been added to address this matter.

The proposal is therefore considered to have an acceptable impact on trees.

Ecology

A Preliminary Ecological Appraisal and Bat Survey were provided in support of the application which have been assessed by WCC Ecology. No bats were identified in the existing buildings, however, owing to their mobile nature, the Ecologist recommends that roofing materials are stripped by hand. House sparrows were observed nesting in the building and there it is recommended that works are carried out outside of the nesting bird season or that an ecologist checks the site prior to works commencing. The Ecologist recommends that roosting features for bats and nesting birds are incorporated into the new building to ensure no net biodiversity loss as a result of the proposed development.

Conditions can secure all of the above measures which will be added. The proposal is therefore considered to be in accordance with Local Plan policies NE2 and NE3.

Drainage

RLSNPD Policy RLS2 states that new housing development should include design features and measures to reduce the impacts of climate change by increasing resilience to extreme weather events, including the increased risk of river and surface water flooding. Applicants should be able to demonstrate that their proposals are water efficient and that unless not reasonably practicable the design includes water efficiency and re-use measures. A condition can be included to ensure compliance with Local Plan Policy FW3 and RLS2 of the RLSNDP.

Housing Mix

RLSNPD policy RLS5 states that within the Neighbourhood Area the housing mix and tenure should, where applicable:

- a) Be informed by a rigorous and up-to-date assessment of housing needs;
- b) Take opportunities to provide detached and semi-detached family homes which are currently underprovided; and
- c) Within South Leamington, seek to rebalance the existing rented/owner occupied mix by the provision of homes for affordable owner occupation.

Local Plan policy H4 states that the Council will require proposals for residential development to include a mix of market housing that contributes towards a balance of house types and sizes across the district, including the housing needs of different age groups, in accordance with the latest Strategic Housing Market Assessment.

The proposed development would provide 5no. one bedroom flats and 4no. two bedroom flats. The Mix of Housing Statement prepared by the Council requires that the mix of market housing be between 5 - 10% one bedroom properties, 25 - 30% two bedroom properties, 40 - 45% three bedroom properties and 20 - 25% four bedroom properties. Therefore, the proposal does not provide the mix of housing in line with guidance set out in the Housing Mix Statement, nor would it directly address the requirements of policy RLS5.

However, it should be noted that policy RLS5 above states that housing mix and tenure requirements should only apply *where applicable*. This is a small site which has physical constraints, and is positioned in an area with commercial and flatted development. To provide either a larger development to accommodate flats with an increased number of bedrooms would be harmful to the character of the area, or proposing a site with a mixture of houses and flats would also be at odds with the existing established character of the area.

Policy H4 of the Local Plan states that in assessing the housing mix in residential schemes, the Council may take into account certain circumstances where it may not be appropriate to provide the full range of housing types and sizes. One of these circumstances is where the site is positioned in a highly accessible location, where low / medium density housing may not be appropriate. It is considered that the site is in a highly sustainable location and that these circumstances apply in this case.

Changing the scheme to meet the requirements of policy RLS5 would likely have significant detrimental impacts on the character of the area, therefore it is concluded that the requirements of this policy are not applicable in this case.

Other Matters

Both the Town Council and a local Councillor have requested that additional pedestrian accesses are included towards both Fords Fields and the crossing opposite the cycle path by Aldi. The local Councillor considers that this would reduce the number of vehicle journeys because it would be easier to get to the local retail park and the town centre on foot. Officers have considered this request, however, the site has been laid out in such a way that it links to public footpaths surrounding the site, which in turn easily link north to Fords Fields and south to the nearby retail park. Officers have discussed the addition of a pedestrian access to the rear of the site into Fords Field with the agent, however, owing to the extent of the established vegetation this would not be practical to install. The agent has provided a drawing which shows the pedestrian linkages to the site, which are considered to be well connected as existing. It is not considered that adding an additional pedestrian access to the west or north of the site would significantly reduce or improve walking times into the town centre, or likely dissuade those wishing to walk if it were not there. It is therefore not considered reasonable to insist on additional pedestrian accesses to the site, which is considered to be sufficiently provided for in this respect. This is considered to be a highly sustainable location with good pedestrian access to nearby services.

Members of the public have raised concerns regarding the impact of the development in relation to subsidence to nearby properties. However, this is not a material planning consideration.

Members of the public state there are enough flats in this area already. However, the site is located in a sustainable location where the provision of additional housing is seen as a material benefit, which would add towards the Council's housing delivery.

Members of the public have stated that those supporting the proposals do not live in areas which will be affected by increased parking. However, this is not a material planning consideration.

Supporters of the proposal state that the site is in an ideal location for people to live without using the car, making it a sustainable location, and that the development offers much needed smaller accommodation. These are both noted as material benefits of the scheme.

Conclusion

The proposal represents the efficient use of an under-utilised site which would provide additional residential accommodation in a sustainable location. Parking is provided on site in accordance with the requirements of the Vehicle Parking Standards. The development would have an acceptable impact on neighbouring amenity and ecology, and would provide adequate living conditions for the future occupiers. The development is therefore recommended for approval.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 1010-10 Rev F, 1010-11 Rev C, 1010-12 Rev C, 1010-13 Rev B and 1010-14 Rev C submitted on 13th November 2020, and specification contained therein. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 The development hereby permitted shall not commence unless and until tree protection / mitigation measures have been submitted to and approved in writing by the LPA and the approved measures have been put into place. The approved measures must remain in place for the duration of construction works. The information to be submitted for all of the trees within the site as well as those off-site trees affected by the proposed demolition and re-development must include:

 - a] an arboricultural implications assessment, arboricultural method statement and tree protection plan in accordance with Clause 7 of British Standard BS5837 - 2012 Trees in Relation to Design, Demolition & Construction which also includes any proposal for pruning or other preventative works
 - b] an arboricultural site monitoring protocol that will confirm to the local planning authority by independent examination that the agreed tree protection measures are in place for the duration of the development.

Reason: In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.
- 4 The development hereby permitted shall either:

 - a) Be timetabled and carried out to avoid the bird breeding season (March to September inclusive) to prevent possible disturbance to nesting birds.
 - b) Not commence until a qualified ecologist has been appointed by the applicant to inspect the building and vegetation on site for evidence of nesting birds immediately prior to works. If evidence of nesting birds is found works may not proceed in that area until outside of the nesting bird season (March to September inclusive) or until after the young have fledged, as advised by the ecologist. **Reason:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029.
- 5 No development shall be carried out above slab level unless and until a hard and soft landscaping scheme has been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatments, including full details of the

proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.

- 6 No development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
- 7 No development shall be carried out above slab level unless and until a scheme for the provision of roosting features for bats and nesting features for house sparrows and swifts incorporated into the building within the site, has been submitted to and approved in writing by the District Planning Authority. The scheme to include details of box types, location and timing of works. Thereafter, the features shall be installed and maintained in perpetuity. **Reason:** To ensure a net biodiversity gain in accordance with NPPF and policy NE3 of the Warwick District Local Plan 2011 – 2029.
- 8 The development hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved has been submitted to and approved in writing by the Local Planning Authority. No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in

accordance with manufacturer's specifications. **Reason:** To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policy FW3 of the Warwick District Local Plan 2011-2029.

- 9 The development hereby permitted shall not be occupied unless and until the cycle storage areas for the development has been constructed or laid out, and made available for use by the occupants of the development and thereafter those areas shall be kept free of obstruction and be available at all times for the storage of cycles associated with the development. **Reason:** To ensure the satisfactory provision of cycle storage in accordance with the local planning authority's standards and the satisfactory development of the site in accordance with Policy TR3 of the Warwick District Local Plan 2011-2029.
- 10 The development hereby permitted shall be undertaken in the presence of a qualified bat worker appointed by the applicant to supervise all destructive works to potential roosting features of the building to be affected as identified in the Preliminary Ecological Appraisal (dated July 2019). All material is to be removed carefully by hand. Appropriate precautions must be taken in case bats are found, such as the erection of at least one bat box on a suitable tree or building. Should evidence of bats be found during this operation, then work must cease immediately while Natural England and WCC Ecological Services are consulted for further advice. Any subsequent recommendations or remedial works will be implemented within the timescales agreed between the bat worker and the Local Authority Ecologist/Natural England. Notwithstanding any requirement for remedial work or otherwise, the qualified bat worker's report shall be submitted to the local planning authority within 1 month following completion of the supervised works to summarise the findings. **Reason:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029.
- 11 The development shall be carried out in strict accordance with the details of the finished floor levels as shown on the approved plans or any subsequently approved amendments. **Reason:** To ensure sufficient information is submitted to demonstrate a satisfactory relationship between the proposed development and adjacent land and buildings in the interests of amenity in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 12 The development hereby permitted shall not be occupied unless and until the refuse storage areas for the development have been constructed or laid out, and made available for use by the occupants of the development and thereafter those areas shall be kept free of obstruction and be available at all times for the storage of refuse associated with the development. **Reason:** To ensure the satisfactory provision of refuse storage facilities in the interests of amenity and the

satisfactory development of the site in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

- 13 No dwelling hereby permitted shall be occupied unless and until the car parking provision for that dwelling has been constructed or laid out, and made available for use by the occupants to the dwelling and thereafter those spaces shall be retained for parking purposes at all times. **Reason:** To ensure the satisfactory provision of off-street vehicle parking facilities in accordance with the local planning authority's standards and in the interests of highway safety and the satisfactory development of the site in accordance with Policies BE1 and TR3 of the Warwick District Local Plan 2011-2029.
- 14 The development hereby permitted shall not be occupied unless and until the noise mitigation measures detailed within the Walnut Acoustics report (Ref. WA/0720/NA-404, dated 29/07/2020) have been completed in full accordance with the approved details. The noise mitigation measures shall be retained thereafter. **Reason:** To ensure that future occupants do not experience unacceptable levels of noise, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.
- 15 Prior to the occupation of the dwellings hereby permitted, the electric vehicle charging points shall be installed in accordance with the approved details contained within the air quality mitigation statement (prepared by Richard Noonan Architectural Consultant, Ref. 1010-AQMS-A, dated 25th July 2020). Thereafter the electric vehicle recharging points shall be retained in accordance with the approved details and shall not be removed or altered in any way (unless being upgraded). **Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document.
- 16 The accesses to the site for vehicles shall not be used unless public highway footway/verge crossings have been laid out and constructed in accordance with the standard specification of the Highway Authority. **Reason:** To ensure that a pavement and verge crossing is available for use when the development is completed 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 TR1 of the Warwick District Local Plan 2011-2029.
- 17 The development shall not be occupied until all parts of the existing accesses within the public highway not included in the permitted means of access have been closed and the kerb, footway and verge have been reinstated in accordance with the standard specification of the Highway Authority. **Reason:** In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

- 18 The development hereby permitted shall only proceed in strict accordance with the approved Construction Management Plan and site compound layout plan. **Reason:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029.
- 19 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. Any tree(s) or shrub(s) removed, dying, or being severely damaged or diseased or becoming, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, [as soon as practicable/ within the next planting season] with tree(s) and shrub(s) of the same size and species as that originally planted . 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 landscape features which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.
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Planning Committee: 01 December 2020

Item Number: 8

Application No: [W 20 / 1217](#)

Town/Parish Council: Kenilworth
Case Officer: Rebecca Compton
01926 456544 rebecca.compton@warwickdc.gov.uk

Registration Date: 05/08/20

Expiry Date: 30/09/20

34 Watling Road, Kenilworth, CV8 2HS

Erection of two storey dwelling (to be attached to No.34). FOR Mr L Dixon

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

RECOMMENDATION

That planning permission should be granted.

DETAILS OF THE DEVELOPMENT

The proposal seeks to erect a two storey dwelling that will be attached onto 34 Watling Road and will continue the existing run of terraced dwellings. Parking will be provided to the rear of the dwelling with a new rear access off Webster Avenue.

THE SITE AND ITS LOCATION

The application property occupies a corner position between no.34 Watling Road and no.36 Watling Road. The site as existing forms part of the garden land serving no.34 Watling Road. The dwellings in the immediate context consist of terraced dwellings that are set back from and are elevated above the level of the carriageway. Parking in this area is predominantly on street.

PLANNING HISTORY

W/20/0343 - Erection of a single storey garage at the rear on 34 Watling road, accessed from Webster Avenue - Granted

RELEVANT POLICIES

- National Planning Policy Framework

Warwick District Local Plan 2011-2029

- H1 - Directing New Housing
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice
- TR3 - Parking

- NE3 - Biodiversity
Guidance Documents

- Parking Standards (Supplementary Planning Document)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Residential Design Guide (Supplementary Planning Document- May 2018)

Kenilworth Neighbourhood Plan (2017-2019)

- KP12 - Parking Standards
- KP13 - General Design Principles

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: Object on the grounds of impact on the street scene and impact on neighbouring amenity.

WCC Highways: No objection.

WCC Ecology: Requested initial bat survey.

WDC Waste Management: No objection.

Public response: two letters of objection raising concerns over impact on the street scene, neighbouring amenity and parking.

ASSESSMENT

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

- Principle of development
- Impact on character and appearance of the area
- Impact on the living conditions of nearby dwellings
- Car parking and highway safety
- Other matters

The principle of the development

Local Plan policy H1 directs new housing to the urban areas, the site is located within the urban area of Kenilworth. The proposal seeks to erect a new dwelling attached onto 34 Watling Road, given the application site is located within an urban area, the principle of the replacement of the development is acceptable.

The proposal therefore complies with Local Plan policy H1.

The impact on the character and appearance of the area

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

should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions. Furthermore, Warwick District Council's Local Plan 2011 - 2029 Policy BE1 seeks for development to be constructed using appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area. Finally, the Residential Design Guide SPD sets out steps which should be followed in order to achieve good design in terms of the impact on the local area; the importance of respecting existing importance features; respecting the surrounding buildings and using the right materials.

Kenilworth Neighbourhood Plan policy KP13 requires developments to achieve a standard of design that is appropriate for the area. Policy KP13 also requires developments to respond positively to site characteristics and surroundings in terms of layout, density, scale, height, proportions, massing, orientation, architectural detailing, materials and landscape.

The design of the dwelling has been amended to appear more in keeping with the existing run of terraces with cladding to the upper half of the building instead of render and fenestration of a similar size and appearance to the existing dwelling at no.34 Watling Road. As revised, the design is considered acceptable in the street scene.

The new dwelling has been designed so that it is read within the street scene in the same way as the adjoining run of terraced properties. The dwelling is stepped up slightly from the existing host dwelling at no.34 Watling Road to retain the character of the run of terraces that step up in line with the gradient of the land. The dwelling will be finished in matching brickwork to the lower half of the building with modern cladding to the upper half which seeks to replicate the design of dwellings in the street scene that benefit from brickwork to the lower half of the building and hanging tile to the upper half of the building. The building is of a similar size and scale to the adjacent terraced dwellings to conform with the street scene.

The application site occupies a large corner plot situated between two rows of terrace dwellings, the proposal will still retain a substantial gap between the application site and the neighbouring dwelling at no.36 Watling Road and will be situated around 4m from this dwelling at the nearest point. A dwelling in this location would not be detrimental to the street scene and the proposed dwelling will form a continuation of the existing terraced properties.

The Town Council have objected to the proposal on the grounds that the development does not harmonise with the neighbouring properties and the street scene. However, officers are satisfied that the development would not have a harmful impact on the street scene.

Overall, officers do not consider there would be any resulting visual harm to the general character and amenity of the area. The proposed new dwelling would not

be detrimental to the appearance of the street scene, nor would the proposals compromise the sense of openness at this corner position. The development is considered to be acceptable in this regard and therefore in accordance with Local Plan policy BE1 and Kenilworth Neighbourhood Plan.

Amenity

Warwick District Local Plan policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a responsibility for development not to cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion. The Residential Design Guide SPD provides a framework for policy BE3, which stipulates the minimum requirements for distance separation between properties and that extensions should not breach a 45° line taken from a window of nearest front or rear facing habitable room of a neighbouring property.

Kenilworth Neighbourhood Plan policy KP13 requires new developments to have regard to the impact on the residential amenity of existing future residents.

The impact on the living conditions of nearby dwellings

The proposed dwelling would not breach the Council's adopted 45° to the adjoining property at no.34 nor the nearest neighbouring dwelling at no.36 Watling Road. There are no dwellings located to the rear of the dwelling that could be impacted by the development. The existing dwelling would still benefit from private amenity space in excess of the 50sqm required for a 3 bed dwelling. The proposed dwelling benefits from a side facing clear glazed window, whilst this is located at first floor, the land level changes between the application site and the neighbouring dwelling at no.36 Watling Road would result in this window being in line with the ground floor level of the adjacent building. Owing to the land level changes, officers are satisfied that whilst the window is at first floor level of the proposed dwelling, it would not result in overlooking or loss of privacy to the neighbouring dwelling at 36 Watling Road.

Officers do not consider there would be any resulting harm to the amenity of the closest neighbouring properties by reason of loss of light, outlook or loss of privacy. The proposal would comply with Local Plan policy BE3 and Kenilworth Neighbourhood Plan.

Amenity of future occupiers

All habitable rooms benefit from adequate levels of light and outlook. As a 3 bed dwelling the dwelling is required to provide a minimum of 50sqm of private amenity space. The proposal provides in excess of the required 50sqm.

The proposal provides an acceptable level of amenity for the future occupiers and complies with Local Plan policy BE3 and Kenilworth Neighbourhood Plan.

Car parking and highway safety

The proposal seeks to provide an area of hardstanding to the rear of the dwelling that will accommodate two off road parking spaces with a new access drive off Webster Avenue which has been approved under a recent application. The proposed dwelling as a 3 bed would be required to provide 2 off road parking spaces, therefore, the proposal complies with the adopted Parking Standards SPD.

Concerns have been raised from local residents that the future occupants may park to the front of the dwelling as this would be more convenient than parking to the rear, these concerns are due to the lack of available parking to the front of the dwellings. Whilst these concerns are noted and understood, there is nothing to suggest that parking to be provided to the rear of the dwelling will not be used.

Officers are satisfied that adequate parking is to be provided and complies with the adopted Parking Standards SPD, Local Plan policy TR3 and Kenilworth Neighbourhood Plan policy KP12.

Ecological impact

The County Ecologist has requested a bat survey to determine the presence of bats in the existing dwelling at no.34 Watling Road which has been provided.

Other Matters

Low Emissions

The proposal will result in additional vehicular movements and therefore there is a requirement for the provision of an electric charging point in accordance with the Council's adopted Air Quality SPD. The proposed site plan indicates an electric charging point will be provided in accordance with the adopted strategy, a condition requiring details of the charging point is considered necessary and reasonable and so will be added.

Water Efficiency

A condition to ensure compliance with Policy FW3 will be added to any approval granted.

Waste

Waste and recycling storage could be accommodated within the site boundaries and out of sight of the public highway to the rear of the property.

SUMMARY/CONCLUSION

The principle of developing this site is acceptable and the development would not give rise to any harm to the general character and visual amenities of the area

nor would there be any impacts on the amenity of neighbouring properties. There would also be no detriment to highway safety.

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) 2013-05 rev A, 2013-06 rev A, 2013-07 rev A, 2013-08 rev A, 2013-09 rev A, and specification contained therein, submitted on 30th October 2020. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

- 3 No development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

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

- 5 The development hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved has been submitted to and approved in writing by the Local Planning Authority.

No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **Reason:** To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policy FW3 of the Warwick District Local Plan 2011-2029.

Planning Committee: 01 December 2020

Item Number: 9

Application No: [W 20 / 1264](#)

Town/Parish Council: Beausale, Haseley, Honiley & Wroxall
07/10/20

Registration Date: 12/08/20

Expiry Date:

Case Officer: Andrew Tew
01926 456555 andrew.tew@warwickdc.gov.uk

The Lodge, Wattcote Farm, Manor Lane, Wroxall, Warwick, CV35 7NH

Change of use from residential dwelling (C3) to pilates studio (D2).

Retrospective application. FOR H Parkin

This application is being presented to Planning Committee because it is recommended for refusal and is supported by the Parish Council.

RECOMMENDATION

Planning Committee is recommended to refuse planning permission.

DETAILS OF THE DEVELOPMENT

The application seeks planning permission for change of use of an dwelling (use class C3) to a pilates studio (use class D2). During the site visit undertaken by the Case Officer, it was noted that the change of use had already been carried out at the site. The application is therefore retrospective. There are no physical external alterations proposed to the building. Parking for the use is provided on site.

THE SITE AND ITS LOCATION

The application relates to a detached two storey building, with integral garages to the ground floor and residential accommodation to part of the ground and formerly to first floor. The application building historically appeared to be an ancillary building serving the main farmhouse and was described previously as an "implement barn". This application specifically relates to a self-contained residential unit which was confirmed as being lawful in 2017 within the first floor of the building. The wider context is a large farm complex which is accessed from Manor Lane and is located within the Green Belt.

PLANNING HISTORY

W/80/0822 - application granted for the conversion of loft space over implement store to form service accommodation.

W/17/0547 - Application for a certificate of lawfulness approved for existing use of the flat above garage as an independent unit of permanent residential accommodation continuously for more than four years.

W/20/0166 - Change of use from C3 residential to D2 pilates studio.

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- BE1 - Layout and Design
- BE3 - Amenity
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- CT1 - Directing New Meeting Places, Tourism, Leisure, Cultural and Sports Development
- CT4 - Extensions to Tourism, Cultural or Leisure Facilities in Rural Areas
- EC2 - Farm Diversification
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- DS18 - Green Belt
- Guidance Documents
- Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

Beusale, Haseley, Honiley & Wroxall Parish Council: Support, diversification of a farm income should be encouraged.

Principle of the Development

A pilates studio is classed as a leisure facility. Local Plan policy CT1 states that new leisure development will be permitted in the town centres in accordance with the town centre policies. Where suitable sites are not available in town centres, sites in edge-of-centre locations will be considered and, if no suitable sites are available in any of the preferred locations, out-of-centre sites will be considered. Where edge-of-centre or out-of-centre sites are considered, preference will be given within each category to accessible sites that are well connected with the town centre.

In all other cases, new leisure development will be permitted where it can be demonstrated that:

- a) There are no sequentially preferable sites or buildings and the development is easily accessible using sustainable forms of transport such as walking, cycling and public transport; or
- b) The facility is of a type and scale that will mean it primarily serves a local community who can access it by means other than the private car.

The application site is located in the open countryside, being isolated in terms of access to other facilities and services, apart from two other residential properties which form part of the farm complex. There has been no sequential assessment provided by the applicant which addresses whether there are any suitable town centre, edge of town centre, or out of centre sites which are connected to the town centre.

The only means of access to the site is by use of a car. There are no footpaths which would allow pedestrians to walk to the site and there are no public transport facilities which would allow access to the site. It therefore cannot be considered that the site can be accessed using sustainable forms of transport. Furthermore, the site is not within close proximity to, or the type of facility which would serve a local community, nor has there been any evidence presented of local community need by the applicant. Further, the site cannot be accessed by means other than the private car.

The submitted planning statement argues that *"the inherent geography of farms mean that they are unlikely to ever 'pass' a sequential test and is not a sound basis from which to refuse an application"* and *"given the small-scale nature of the proposals, it is most likely to serve local people from surrounding villages (such as Chadwick End, Wroxall, Haseley Knob, Beausale and Meer End) or isolated dwellings"*. However, there is no evidence submitted to support these statements. As this is a retrospective application (as was W/20/0166), it appears that the application site has and is being used as a pilates studio, therefore evidence to back these claims would be available.

Notably, Local Plan policy CT4 also states that extensions to or intensification of leisure facilities in rural areas will be permitted where these do not:

- a) establish new uses which are not ancillary to the normal business of the operation;
- b) generate significant volumes of additional traffic; and
- c) harm the character of the area.

Whilst the supporting statement states *"The Committee Report also references policy CT4 to support their decision, despite acknowledging that the policy is not relevant since it refers to extensions to existing facilities."* However, it would be asserted that the granting of permission would lead to an intensification of the leisure facilities in rural areas.

The supporting letter submitted with the application argues that the development should be considered under Policy EC2 Farm Diversification as it is not uncommon for larger farms to have separate dwellings located at the same site. The submission notes *"as a separate dwelling, it allowed diversification in its own right, perhaps through the ability to rent the dwelling and to generate additional revenue in this way"*. However, planning ref; W/17/0547 was application for a certificate of lawfulness approved for existing use of the flat above garage as an independent unit of permanent residential accommodation continuously for more than four years, rather than a planning application that was assessed and granted.

Whilst it is argued that the proposal meets the following criteria;

- a) Best and most versatile agricultural land is protected
- b) The scale and nature of the proposals are appropriate to their rural location so that they can be satisfactorily integrated into the landscape without being detrimental to its character
- c) Existing buildings are used in preference to new buildings

The policy explicitly states ***"Proposals for the diversification of agricultural and land-based rural businesses will be permitted in line with the following criteria:"*** The fact that diversification has already taken place and that the application site is now a C3 dwelling, brings into question whether the site is an agricultural or land based business, therefore only limited weight can be given to the argument for assessment under Policy EC2.

Additionally, supporting text 3.25 states: ***"In assessing proposals the Council will seek to ensure that the scale and nature of the development would not lead to a dispersal of activity likely to increase reliance on the private car, compromise sustainability objectives or affect the vitality of nearby towns."*** Similarly, to the reasons set out in relation to CT1 above, the proposal will lead to increased reliance on private car and compromise sustainability objectives.

The Parish Council have supported the application, stating that diversification of a farm income should be encouraged. In addition to the reasons set out above, diversification of rural a business is not a relevant consideration in this instance. Whilst the building most likely served formerly as part of the wider farm complex, it was established under the Certificate of Lawfulness issued in 2017, that the first floor of the application property is an entirely separate residential planning unit, that is in no way associated to the business operation of the farm. Therefore, the proposal does not represent the diversification of a rural business.

For the reasons set out above, the application is contrary to Policies CT1, CT4 and EC2 and the principle of development is not acceptable.

Impact on Neighbouring Amenity

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

There are no proposed physical alterations to the property which would result in loss of amenity to neighbouring properties. The proposed use is unlikely to generate noise and disturbance to neighbouring properties.

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

Access and Parking

The access arrangements to the site would remain the same as the existing.

There is ample space in front of the existing building to accommodate the parking requirement in accordance with the Vehicle Parking Standards guidance for the proposed use.

The proposal is therefore considered to be in accordance with Local Plan policies TR1 and TR3.

Other Matters

For the avoidance of doubt, there are no physical alterations to the property which would result in a change in the external appearance of the building.

There are no ecological concerns identified as a result of the change of use.

Conclusion

The proposal is considered to provide an unsustainable form of development within the open countryside and is therefore considered to be contrary to Local Plan Policies CT1, CT4 and EC2. The change of use is therefore recommended for refusal.

REFUSAL REASONS

- 1 Local Plan policy CT1 sets out a sequential approach to the location of new leisure development, with the preference being town centre locations and sites that are accessible by modes of transport other than the private car.

There has been no sequential assessment of the availability of existing town centre sites which could accommodate the proposed use. Furthermore, it has not been demonstrated that the site can be accessed using sustainable forms of transport, or that the proposal is of a type and scale that would serve an identified community need.

The proposal is therefore considered to provide an unsustainable form of development which is contrary to Local Plan policy CT1.

**List of Current Planning and Enforcement Appeals
December 2020**

Public Inquiries

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines	Date of Inquiry	Current Position

Informal Hearings

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines	Date of Hearing	Current Position
W/19/185 8	Former Tamlea Building, Nelson Lane, Warwick.	Redevelopment for residential Purposes. Committee Decision in accordance with Officer Recommendation	Helena Obremski	Questionnaire: 29/5/20 Statement: 26/6/20		Appeal Allowed

The Statement of Common Ground confirmed that the maintenance and repair activities associated with Kate's Boats would give rise to '*adverse impacts*' and not '*significant adverse impacts*' on future occupiers. On that basis the Inspector considered it doubtful whether the amount of noise disturbance would be at a level to bring the proposal into conflict with the Framework. He felt the impact would be acceptable due to the following reasons: 1) Noise from the polytunnel is limited in its extent (approximately one hour a day) and generally during the working day, 2) subject to mitigation, the level of noise would be approximately 7dB above background levels, 3) the nature

of the work undertaken in the polytunnel is largely cosmetic and limited to one boat at a time with structural work taking place off-site, 4) the surrounding acoustic environment is typical of a built-up urban area with associated levels of background noise and 5) the Council is not aware of any noise complaints from existing properties in the area albeit that these are located further away than those proposed. In light of the above, the Inspector was satisfied that future occupiers of units 13-16 are unlikely to be subjected to significant levels of noise at those times of the week and year when they are likely to be using their gardens. He also considered that prospective purchasers of the units would be able to exercise consumer choice in these matters and that those seeking a tranquil, disturbance-free, existence would not choose an urban Canalside location.

A number of the dwellings would have gardens below the size specified in the Council's "*Residential Design Guide 2018*". He noted that on page 7 it states that the SPD is a '*vehicle for outlining the Council's general approach to design*'. The Council accepted that those standards governing garden sizes are not hard and fast rules and their application will vary depending on the circumstances of a particular case. In all of the cases he considered the shortfalls to be material.

On page 25, the SPD states: "*Provision of amenity space and gardens must be set within the context of ensuring that inefficient use of land is avoided. Therefore in situations where the standards cannot be achieved e.g. high density housing developments the Council will seek to work jointly in agreement with developers to provide an upgrade to nearby off site amenity space which will be available to the general public*". The parties held differing interpretations of the guidance which were explored at the Hearing. The Inspector considered the reference to '*gardens*' in the first sentence strongly suggests that the Council envisaged situations where high-density housing schemes, similar to this one, could make an off-site contribution in lieu of fully compliant garden sizes. Whilst he accepted that the guidance will, more often than not, apply to flatted developments, there is nothing in the wording that would preclude more traditional forms of housing. That view is buttressed by the inclusion of the abbreviation '*e.g.*' which means that the scenarios to which the guidance might apply is not a closed list.

In terms of impact, he recognised that for some, particularly busy, younger people, smaller gardens could be seen as a distinct advantage. The Council was not able to produce any evidence to demonstrate that properties with smaller gardens in the district had remained vacant or had proved difficult to sell. On the contrary, the Appellant's oral evidence suggested that if anything, the reverse was true. The development as a whole would contain a range of garden sizes which are broadly consistent with those found in the housing estate to the south.

There were a number of other site-specific considerations. First, whilst some of the plots would undoubtedly have small gardens, this has to be weighed against the open outlook that future occupiers would enjoy over the canal, something which is likely to be highly desirable in the context of a built-up urban area. The Appellant's evidence in relation to the cost of other Canalside properties in the local area added credence to that view. Second, there is a large park less than a ten-minute walk from the site offering expansive areas of open

space for the playing of sports and other forms of recreation. Third, although he accepted that the issue of garden size is an important planning consideration particularly for family housing, the Council conceded there are very few activities that can be carried out in a 50m² and not a 38m² garden.

He accepted that further reducing the number of units on the site would help to address **the Council's concerns. However, that would** deprive families of much needed affordable housing in a district with very low, and declining, levels of affordability. He felt it must surely be preferable, in the context of a national housing crisis, that future occupiers have the opportunity to purchase a home, even if it is sub-optimal in a limited and specific way, as opposed to denying them that opportunity altogether. Considering the site-specific circumstances outlined above in the round, he did not consider that the living conditions of future occupiers would be unduly compromised by the proposed garden sizes to the six plots identified. Moreover, subject to the payment of an off-site, open space contribution, he was satisfied the proposal would not conflict with the approach set out in the SPD.

Written Representations

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines	Current Position
W/19/2006	Unit 1, Moss Street, Leamington	Removal of Condition to allow for the Unrestricted Occupancy of 47 bed HMO. Committee Decision in accordance with Officer Recommendation	Helena Obremski	Questionnaire: 11/6/20 Statement: 9/7/20	Ongoing
W/19/1973	Wooton Grange Farm House, Warwick Road, Kenilworth	Extensions and Alterations Delegated	Jonathan Gentry	Questionnaire: 23/4/20 Statement: 15/5/20	Ongoing

W/19/2037	Arden Hill, Lapworth Street, Lapworth	New Dwelling Delegated	Dan Charles	Questionnaire: 26/6/20 Statement: 24/7/20	Ongoing
W/19/0860	6 Phillipps Road, Warwick	Change of use to Garden and Erection of Fencing Committee Decision in accordance with Officer Recommendation	Emma Booker	Questionnaire: 22/7/20 Statement: 13/8/20	Ongoing
W/19/1604	17 Pears Close, Kenilworth	First and Ground Floor Extensions Delegated	George Whitehouse	Questionnaire: 19/6/20 Statement: N/A	Ongoing
W/20/0214	Broadford House, Grovehurst Park, Stoneleigh	Boundary Features Delegated	George Whitehouse	Questionnaire: 19/6/20 Statement: N/A	Appeal dismissed

The Inspector confirmed that the **term "building" is defined in section 336 of the 1990 Act** to mean any structure or erection and this means that a structure such as a wall should be assessed under paragraph 145 of the Framework. As the development is not within the list of exceptions at paragraph 145 it represents inappropriate development, which by definition is harmful to the Green Belt.

From a spatial perspective he considered the impact is limited, with the proposal representing a modest volume of development such that the increased footprint of built form in the area would not be significant. However, the impact from a visual perspective is

greater. As a result of its height and solid brick and gates the proposal would be a visually prominent form of development. It is materially larger than the railings present, preventing views and removing the open feel present in this location. In this regard, the proposal would be at odds with the predominant style of wall within the estate that allows for views through the trellis design. Accordingly, he concluded that while the spatial impact would be limited, due to its visual impact the proposal would fail to preserve the openness of the Green Belt.

In terms of highway safety, he noted that while an obstruction may occur due to vehicles entering and exiting the site having to wait for the gates to open, the duration of this would be brief and there would remain sufficient space for such vehicles to partially turn into the site so as to not block the entirety of the highway.

W/19/1558	Land rear of 14 – 16 Randall Road, Kenilworth	Detached Bungalow Delegated	Helena Obremski	Questionnaire: 26/6/20 Statement: 24/7/20	Ongoing
W/19/1572	Land off Birmingham Road and A46, Warwick	2 Dwellings Delegated	Helena Obremski	Questionnaire: 26/6/20 Statement: 24/7/20	Ongoing
W/19/1949	22 St Mary's Terrace, Leamington	Conversion and Extension of Garage into Dwelling Delegated	Rebecca Compton	Questionnaire: 26/6/20 Statement: 24/7/20	Ongoing
W/19/1963 and W/19/1964/LB	Rectory Cottage, Church Lane, Lapworth	Demolition of Garage Block and erection of Sun Room Delegated	George Whitehouse	Questionnaire: 19/8/20 Statement: 16/9/20	Ongoing

W/20/0097	10 Wasperton Road, Wasperton	Change of Use of Store Room to Dog Grooming Salon Delegated	Rebecca Compton	Questionnaire: 19/8/20 Statement: 16/9/20	Ongoing
W/19/1197	89 Shrubland Street, Leamington	Change of Use to HMO Appeal against Non- Determination	Rebecca Compton	Questionnaire: 1/9/20 Statement: 29/9/20	Ongoing See also enforcement appeal below
W/20/0247	3-5 Mill Street, Leamington	Subdivision into 2 dwellings; Extensions and other Alterations Appeal against Non- Determination	Emma Booker	Questionnaire: 11/9/20 Statement: 9/10/20	Ongoing
W/20/0980	9 Camberwell Terrace, Leamington	Front Lightwells Delegated	Emma Booker	Questionnaire: 25/9/20 Statement: 19/10/20	Ongoing
W/20/0262	Old Barn, Sands Farm, Old Warwick Road, Lapworth	Change of use to Dwelling Delegated	Helena Obremski	Questionnaire: 28/9/20 Statement: 26/10/20	Ongoing

W/20/0271	The Hay Barn, Packwood Lane	Replacement Garage Delegated	Jonathan Gentry	Questionnaire: 8/9/20 Statement: 30/9/20	Ongoing
W/20/0429	12 Victoria Street Warwick	Extensions and Alterations Delegated	Jonathan Gentry	Questionnaire: 11/9/20 Statement: 5/10/20	Appeal Allowed
<p>The Inspector considered that the new extension would be modest in size and would project a short distance beyond the existing outrigger. Given this, and the low height of the extension the legibility of the two-storey outrigger would be maintained. Furthermore, being substantially glazed the new extension would result in a clear visual distinction between the original building and the more recent additions proposed. The glazing would also keep a suggestion of the original courtyard, further maintaining the original form of the host building. Accordingly, he found that the new extension would not harm the legibility of the historic form and interest of the host dwelling, or the contribution that it makes to the character and appearance of the WCA.</p> <p>Having reviewed the Officer's report and decision notice it is clear that reference was not made to the Residential Design Guide which sets out the design characteristics which are expected for side courtyard extensions in Conservation Areas. It is considered that were the Inspector aware of this he may have come to a different conclusion in terms of the need for the extension to be set back from the original outrigger. Officers have been reminded of the need to make explicit reference to the SPD where it is relevant to an assessment.</p>					
W/20/0467	Morrisons, Old Warwick Road, Leamington	Various Signage Delegated	Lucy Hammond	Questionnaire: 28/9/20 Statement: 26/10/20	Ongoing

W/20/0201	37 Shakespeare Avenue, Warwick	First floor Side Extension Delegated	Thomas Fojut	Questionnaire: 8/9/20 Statement: 30/9/20	Ongoing
W/19/1197	89 Shrubland Street, Leamington	Change of Use to 7 Bed HMO Appeal against Non-Determination	Rebecca Compton	Questionnaire: 1/9/20 Statement: 29/9/20	Ongoing
W/20/0801	5 Cubbington Road, Lillington	Front Boundary Wall Delegated	George Whitehouse	Questionnaire: 23/10/20 Statement: 16/11/20	Ongoing
W/20/0170	Eversleigh Nursing Home, 2-4 Clarendon Place, Leamington	Car parking and Landscaping Delegated	Helena Obremski	Questionnaire: 13/10/20 Statement: 10/11/20	Ongoing
W/20/0466	Morrisons, Old Warwick Road, Leamington	Structures to form MOT Pod, Wheel Repair Pod and Car Repair Centre Delegated	Lucy Hammond	Questionnaire: 15/10/20 Statement: 29/11/20	Ongoing
W/20/0834		Part rendering to Front and Rear			Ongoing

	21 Wordsworth Drive, Kenilworth	Delegated	Thomas Fojut	Questionnaire: 16/10/20 Statement: 9/11/20	
New W/20/0285	Pool Peace Bungalow Five Ways Road, Shrewley	Appeal against the refusal of a Certificate of Lawfulness for the Continued Occupation of a Dwelling without complying with an Agricultural Occupancy Condition. Delegated	Andrew Tew	Questionnaire: 26/11/20 Statement: 24/12/20	Ongoing
New W/20/0331	The White House, Five Ways Road, Shrewley	Replacement Dwelling Delegated	Andrew Tew	Questionnaire: 13/11/20 Statement: 11/12/20	Ongoing
New W/20/0420	2 Penns Close	Decking and Steps Delegated	George Whitehouse	Questionnaire: 18/11/20 Statement: 10/12/20	Ongoing
New W/20/0622	5 Tilsley Close	Extension to Garage Delegated	George Whitehouse	Questionnaire: 30/10/20 Statement: 23/11/20	Ongoing

New W/20/0992	6 Tithe Barn Close	Two Storey Rear Extension Delegated	George Whitehouse	Questionnaire: 30/10/20 Statement: 23/11/20	Ongoing
New W/20/0940	Glenthorne, Five Ways Road, Shrewley	Appeal against a Certificate of Lawfulness for the use of a Building as a Dwelling. Delegated	Helena Obremski	Questionnaire: 14/12/20 Statement: 4/1/21	Ongoing
New W/20/1091	Terets Lodge, Rising Lane, Lapworth	Single Storey Rear Extension Delegated	Jonathan Gentry	Questionnaire: 14/12/20 Statement: 4/1/21	Ongoing
New W/20/0716 and 0717/LB	28 Kenilworth Road, Leamington	Two storey Rear Extension to construct 3 Apartments Delegated	Lucy Hammond	Questionnaire: 25/11/20 Statement: 9/12/20	Ongoing
New W/20/0775	10 Almond Avenue, Leamington	One and Two Storey Extensions Delegated	Thomas Fojut	Questionnaire: 28/10/20 Statement: 19/11/20	Ongoing

Enforcement Appeals

Reference	Address	Issue	Officer	Key Deadlines	Date of Hearing/Inquiry	Current Position
ACT 450/08	Meadow Cottage, Hill Wootton	Construction of Outbuilding	RR	Statement: 22/11/19	Public inquiry 1 Day	The inquiry has been held in abeyance
ACT 097/17	2 Satchwell Place, Leamington Spa	Construction of Fence	RR	Statement: 23/6/20	Written Representations	Ongoing

Grounds of Appeal

The steps to comply with the notice are excessive
The Notice compliance period is too short.

ACT/565/18	41 Clemens Street, Leamington	Erection of structures/fencing to the front of the premises	RR	Statement Due: 5/11/20	Written Representations	Ongoing
<p>Grounds of Appeal</p> <p>That the alleged works haven't taken place. That the alleged works (if they occurred) do not constitute a breach of planning control. That the steps to comply with the notice are excessive.</p>						
ACT/386/19	89 Shrubland Street, Leamington	Change of use to a 7 bed HMO.	RC	Statement Due: 11/09/20	Written Representations	Ongoing
<p>Grounds of Appeal</p> <p>Planning permission ought to be granted.</p>						

ACT/354/20	Old Folly Barn, Kites Nest Lane, Beusale, Warwick	Erection of detached car port.	GW	Statement Due: 5/8/20	Written Representations	Ongoing
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Tree Appeals

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines	Date of Hearing/Inquir y	Current Position