

# Planning Committee

Tuesday 11 November 2014

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A meeting of the above Committee will be held at the Town Hall, Royal Leamington Spa on Tuesday 11 November 2014 at 6.00pm.

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

## Emergency Procedure

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

## Agenda

### Part A – General

\*1. **Substitutes**

To receive the name of any Councillor who is to act as a substitute, notice of which has been given to the Chief Executive, together with the name of the Councillor for whom they are acting.

\*2. **Declarations of Interest**

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

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

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

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

**\*3. Site Visits**

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

**\*4. Minutes**

To confirm the minutes of the Tree Preservation Order Sub-Committee held on 2 April 2013 and the Planning Committee of 14 October 2014.

**(Item 4/Page 1)**

**Part B – Planning Applications**

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

- \*5. W14/1076 – Land at Myton (Item 5/Page 1)**  
**\*\*Major Application\*\***
- \*6. W14/1267 – Newbold Centre, Leicester Street, Royal Leamington Spa (Item 6/Page 1)**  
**\*\*Major Application\*\***
- \*7. W14/1132 – Sydenham Industrial Estate (Item 7/Page 1)**  
**\*\*Major Application\*\***
- \*8. W14/1138 – St Nicholas Park, Banbury Road, Warwick (Item 8/Page 1)**  
**\*\*Major Application\*\***
- \*9. W14/1054 – Woodside Farm, Harbury Lane, Bishops Tachbrook (Item 9/Page 1)**  
**\*\*Major Application\*\***
- \*10. W14/1293 – Warwick Castle, Warwick (Item 10/Page 1)**
- \*11. W14/1422 – Cornerways, Rookery Lane, Lowsonford (Item 11/Page 1)**
- \*12. W14/1263 – Folly Barn, Kites Nest Lane, Beausale (Item 12/Page 1)**
- \*13. W14/1198 – 2 Gerrard Street, Warwick (Item 13/Page 1)**
- \*14. W14/1453 – 134 Warwick Road, Kenilworth (Item 14/Page 1)**
- \*15. W14/0915 - Hybrid Arts Riverside Adelaide Road, Royal Leamington Spa (Item 15/Page 1)**

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

**Part C – Other matters**

None.

Please note:

- (a) the background papers relating to reports on planning applications are open to public inspection under Section 100D of the Local Government Act 1972 and consist of all written responses to consultations made by the Local Planning

Authority in connection with the planning applications referred to in the reports, the County Structure Plan Local Plans and Warwick District Council approved policy documents.

- (b) all items have a designated Case Officer and any queries concerning those items should be directed to that Officer.
- (c) in accordance with Council's Public Speaking Procedure, members of the public can address the Planning Committee on any of the planning applications being put before the Committee. If you wish to do so, please call 01926 353362 (Monday to Thursday 8:00am to 7:00pm, Friday 8:00am to 6:00pm and Saturday 9:00am to 1pm) or email [committee@warwickdc.gov.uk](mailto:committee@warwickdc.gov.uk), anytime after the publication of this agenda, but before 12 noon on the working day before the day of the meeting and you will be advised of the procedure.
- (d) please note, that the running order for the meeting may be different to that published above, in order to accommodate items where members of the public - Have registered to address the Committee.
- (e) occasionally items are withdrawn from the agenda after it has been published. In this instance, it is not always possible to notify all parties interested in the application. However, if this does occur, a note will be placed on the agenda via the Council's web site, and where possible, the applicant and all registered speakers (where applicable) will be notified via telephone.

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

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

You can e-mail the members of the Planning Committee at [planningcommittee@warwickdc.gov.uk](mailto:planningcommittee@warwickdc.gov.uk)

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The agenda is available in large print on request, prior to the meeting, by telephoning (01926) 353362

# Planning Committee

Minutes of the meeting held on Tuesday 14 October 2014 in the Town Hall, Royal Leamington Spa at 6.00 pm.

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

92. **Substitutes**

There were no substitutes.

93. **Declarations of Interest**

Minute Number 96 – Agenda Item 5 – W14/0811 – Rear of the Old Vicarage, 36 High Street, Kenilworth

All Members declared an interest because the application site was located near to fellow District Councillor Coker's property.

Councillor Mrs Bunker also declared an interest because some of the neighbouring residents were known to her.

Minute Number 97 – Agenda Item 9 – W14/1166 – 11 Wise Grove, Warwick

Councillor Williams declared an interest because the application site was in his Ward.

Minute Number 99 – Agenda Item 12 – W14/1262 – 10 Wheathill Close, Royal Leamington Spa

Councillor Brookes declared an interest because one of the objectors was known to him and he left the room whilst the item was discussed.

94. **Site Visits**

To assist with decision making, Councillors Boad, Mrs Bromley, Mrs Bunker, Doody, Rhead, Weber, Wilkinson and Williams visited the following application sites on Saturday 13 September 2014:

W14/0811 – Rear of 36 High Street, Kenilworth;  
W14/1166 – 11 Wise Grove, Warwick; and  
W14/1262 – 10 Wheathill Close, Royal Leamington Spa

95. **Minutes**

The minutes of the meeting held on 16 September 2014 were agreed and signed by the Chairman as a correct record.

## **PLANNING COMMITTEE MINUTES (Continued)**

### **96. W14/0811 – Rear of the Old Vicarage, 36 High Street, Kenilworth**

The Committee considered an application from Ms Ward for the erection of a detached dwelling and the removal of four Cypress Lawson trees.

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

The officer considered the following policies to be relevant:

National Planning Policy Framework

#### The Current Local Plan

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

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

DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)

DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)

DP6 - Access (Warwick District Local Plan 1996 - 2011)

DP8 - Parking (Warwick District Local Plan 1996 - 2011)

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

SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)

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

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

DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)

#### The Emerging Local Plan

BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

H0 - Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)

H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)

HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

HE6 - Archaeology (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

#### Guidance Documents

Distance Separation (Supplementary Planning Guidance)

Open Space (Supplementary Planning Document - June 2009)

Vehicle Parking Standards (Supplementary Planning Document)

Residential Design Guide (Supplementary Planning Guidance - April 2008)

## PLANNING COMMITTEE MINUTES (Continued)

The 45 Degree Guideline (Supplementary Planning Guidance)

An addendum circulated at the meeting proposed that an additional condition be added requiring that the first floor side facing landing window was obscured glazed, in perpetuity.

It was the officer's opinion that the proposed design of the property was considered to be acceptable within the area due to the existing styles of properties within the immediate vicinity. The distance separation guidelines had been met in respect of impact on neighbouring properties and the proposal was considered to be in accordance with the aforementioned policies.

The following people addressed the Committee:

Mr West on behalf of the Diocese of Coventry, in objection and Mr Wright on behalf of St Nicholas Church, in objection to the application.

Following on from comments made by the objectors, Members queried if the garage was classed as a listed building, by association. Officers advised that although it was within the curtilage of a listed building, it was not attached to it so was therefore, not listed itself. Members were also advised that a vicarage was assessed as residential property and did not require special consideration.

Following consideration of the report, presentation and addendum, and the representations made at the meeting, the Committee

**Resolved** that W14/0811 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the amended site location plan dated 18th August 2014; approved drawing no. 2/36 & 3/36 dated 23rd May 2014, and The Arboricultural Method Statement produced by Arbortrack Systems Ltd dated 17th July 2014, including appendix A tree protection plan drawing dated July 2014 and specification contained therein. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) the development hereby permitted shall not be commenced unless and until a scheme showing

## PLANNING COMMITTEE MINUTES (Continued)

how 10% of the predicted energy requirement of this development will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. **Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;

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

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

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

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

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

## PLANNING COMMITTEE MINUTES (Continued)

- (6) no development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **Reason:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011;
- (7) no development or other operations (including demolition, site clearance or other preparatory works) shall commence unless and until the tree protection measures identified in the approved application documentation have been put into place in full accordance with the approved details and thereafter shall remain in place during 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 Policy DP3 of the Warwick District Local Plan 1996-2011;
- (8) the development hereby permitted shall not be occupied unless and until the area of land shown on the approved plans to provide the parking area for 36 High Street has been provided and made available for that use and thereafter this facility shall remain available for this purpose. **Reason:** To ensure that a



## **PLANNING COMMITTEE MINUTES (Continued)**

satisfactory provision of off-street car parking is maintained at all times in the interests of the free flow of traffic and highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011; and

- (9) The first floor side facing landing window is obscure glazed in perpetuity. **Reason:** to ensure privacy is maintained to neighbouring property.

### **97. W14/1166 – 11 Wise Grove, Warwick**

The Committee considered an application from Mrs Chatha for erection of a first floor front extension and a two storey side and rear extension.

The application was presented to the Committee due to the number of objections received. In addition, the application had been deferred at the Planning Committee on 16 September 2014, to enable Members to attend a site visit.

The officer considered the following policies to be relevant:

National Planning Policy Framework

The Current Local Plan

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

Vehicle Parking Standards (Supplementary Planning Document)

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

DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)

DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)

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

The Emerging Local Plan

BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

The 45 Degree Guideline (Supplementary Planning Guidance)

Residential Design Guide (Supplementary Planning Guidance - April 2008)

Sustainable Buildings (Supplementary Planning Document - December 2008)

It was the officer's opinion that the proposed front/side and rear extensions were acceptable in terms of their character and appearance within the street scene and did not significantly impact on the amenities of surrounding neighbours.

The following people addressed the Committee:

Mr Emmerson and Ms Pfeiffer in objection and Mrs Chatha in support of the application.

## PLANNING COMMITTEE MINUTES (Continued)

Members felt that the site visit had been useful and, although the proposal was large, they felt the plot was sufficient in size to accommodate it.

Following consideration of the report, presentation and the representations made at the meeting, the Committee

**Resolved** that W14/1166 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved amended drawings 2037/2/A, 2037/3/A, and specification contained therein, submitted on 1st September, 2014. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) the development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. **Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;
- (4) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **Reason:** To ensure that the visual amenities of the area are protected, and

## **PLANNING COMMITTEE MINUTES (Continued)**

to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011; and

- (5) prior to the occupation of the development hereby permitted, the first floor windows in the west and east elevations shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed window(s) shall be retained and maintained in that condition at all times. **Reason:** To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011.

### **98. W14/1226 – Dixons Barn, Westwood Heath Road, Burton Green**

The Committee considered an application from Mr Whale for the conversion and change of use of a barn to a dwelling house.

The application was presented to the Committee because an objection had been received from Burton Green Parish Council. In addition, Councillor Mrs Blacklock had requested the application be considered at Planning Committee.

The officer considered the following policies to be relevant:

National Planning Policy Framework

The Current Local Plan

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

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

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

DP6 - Access (Warwick District Local Plan 1996 - 2011)

DP8 - Parking (Warwick District Local Plan 1996 - 2011)

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

DP11 - Drainage (Warwick District Local Plan 1996 - 2011)

DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)

RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)

RAP7 - Converting Rural Buildings (Warwick District Local Plan 1996 - 2011)

SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)

Guidance Documents

Sustainable Buildings (Supplementary Planning Document - December 2008)

Open Space (Supplementary Planning Document - June 2009)

## PLANNING COMMITTEE MINUTES (Continued)

Agricultural Buildings and Conversion - Barns (Supplementary Planning Guidance)

Vehicle Parking Standards (Supplementary Planning Document)

The Emerging Local Plan

BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

BE4 - Converting Rural Buildings (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

FW4 - Water Supply (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

An addendum circulated at the meeting advised that: the Health & Safety Executive had no objection; the WCC Highways had no objection; and Coventry City Council Highways had no objection subject to a condition to widen the access point.

It was the officer's opinion that the building proposed for conversion was of permanent and substantial construction and the proposed use could be accommodated without extensive rebuilding or alteration to the external appearance of the building. It was considered that there would be no increased hazard to highway users and the proposed development was of an acceptable standard of design and detailing. The proposal was therefore considered to comply with the policies listed.

The following people addressed the Committee:

Councillor Mrs Blacklock, on behalf of Councillor Owen representing Burton Green Parish Council in objection.

Councillors sought advice on the duty to co-operate with neighbouring authorities and were satisfied that the correct Parish Council had been consulted. The Legal officer explained that there was no duty to consult with Councillors from a neighbouring authority, only those who's Ward the site was located in.

Members also discussed the planning history of the site, received advice on the proximity of the proposal to a gas pipe line and were satisfied that the proposed dwelling was located outside the 50m corridor, specified by the British Pipeline Agency.

Following consideration of the report, presentation and addendum, and the representations made at the meeting, the Committee

**Resolved** that W14/1226 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin

## PLANNING COMMITTEE MINUTES (Continued)

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) 14/01/14-01 Rev A and 14/01/14-02 Rev A, and specification contained therein, submitted on 10/09/14, except as required by condition 3, 4, 5 and 6. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) the development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. **Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;
- (4) before development hereby approved commences details must be submitted to and approved in writing by the Local Planning Authority showing: (a) 1:10 drawings of all external frames and associated joinery sections for the new doors and windows; (b) conservation rooflight details. Thereafter the development shall be carried out in accordance with the approved details. **Reason:** To ensure the character and appearance of the rural building is preserved in accordance with Policies DP1 and RAP7 of the Warwick District Local Plan 1996-2011;
- (5) the development hereby permitted shall not

## PLANNING COMMITTEE MINUTES (Continued)

commence until a detailed schedule of bat, nesting bird, reptile and great crested newt mitigation measures (to include timing of works, supervision of clearance works, protection measures) has been submitted to and approved in writing by the Local Planning Authority. Such approved mitigation measures shall thereafter be implemented in full in accordance with the approved details. **Reason:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-2011;

- (6) the development hereby permitted shall be carried out in strict accordance with details of surface and foul water drainage works that shall have been submitted to and approved in writing by the local planning authority. The use of septic tanks should be avoided unless it can be clearly demonstrated that discharging to a public sewer or package sewage treatment plant is not feasible. **Reason:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011 and the aims of the NPPF 2012;
- (7) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no further development shall take place within the curtilage of the dwellinghouse hereby permitted. **Reason:** To ensure that the openness of the rural area and the scale, character and appearance of the original barn building is not altered by further extensions, in accordance with Policy RAP7 of the Warwick District Local Plan 1996-2011 and the aims and objectives of the NPPF 2012;
- (8) for making good of window and rooflight apertures no facing and roofing materials shall be used other than materials similar in appearance to those used in the construction of the exterior of the existing barn building. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policies DP1 and RAP7 of the Warwick District

## **PLANNING COMMITTEE MINUTES (Continued)**

Local Plan 1996-2011;

- (9) all window and door frames shall be constructed in timber and stained and not painted. **Reason:** To ensure a high standard of design and appearance to satisfy Policies DP1 and RAP7 of the Warwick District Local Plan 1996-2011; and
- (10) the existing access point is widened to make it easier for vehicles to turn left into the site and a hardstanding finish is provided on the access to reduce the likelihood of debris being transferred onto the carriageway.

### **99. W14/1262 – 10 Wheathill Close, Royal Leamington Spa**

The Committee considered an application from Mr Batra for the erection of a single storey front, two storey side and rear and single storey rear extension.

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

The officer considered the following policies to be relevant:

National Planning Policy Framework

The Current Local Plan

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

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

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

DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)

DP8 - Parking (Warwick District Local Plan 1996 - 2011)

DP11 - Drainage (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

The 45 Degree Guideline (Supplementary Planning Guidance)

Sustainable Buildings (Supplementary Planning Document - December 2008)

Residential Design Guide (Supplementary Planning Guidance - April 2008)

Vehicle Parking Standards (Supplementary Planning Document)

Distance Separation (Supplementary Planning Guidance)

## **PLANNING COMMITTEE MINUTES (Continued)**

It was the officer's opinion that the proposed extension complied with the Residential Design Guide SPG (April 2008) and the supplementary 45 degree sightline SPG and was not considered to have a detrimental impact on the neighbouring properties through increased visual intrusion or loss of light. It was acknowledged that the proposed extension, which was set to the south east of Number 12 would create some overshadowing; however, this was considered not to be to such an extent that would warrant refusal of the application. Subject to matching materials, the design and form of the extension was considered to be acceptable and would not introduce an incongruous feature within the street scene.

The following people addressed the Committee:

Mr Brennan and Ms Lindsay in objection and Mr Vagdia in support of the application.

Members were concerned that the proposal would cause overshadowing and was unneighbourly due to its size. The similar property detailed in the report was also questioned because, although it was a chalet style bungalow, the site visit had shown Members that there were no other dwellings of the proposed scale, in the vicinity.

Following consideration of the report, presentation and the representations made at the meeting, the Committee

**Resolved** that W14/1262 be **refused** because it was contrary to policies DP1 and DP2.

(Councillor Brookes left the room for duration of this item)

### 100. **W14/1157 – Regent Court, Livery Street, Royal Leamington Spa**

The Chairman advised that this item had been withdrawn from the agenda and would be dealt with under delegated powers.

### 101. **W14/1133 – The Cottage, Sandall House Farm, Narrow Lane, Lowsonford**

The Committee considered an application from Ms Saber for the variation of condition 4 of permission W/99/1562. This condition restricted the use of the building to be occupied solely by persons employed in association with the operation of the equestrian and/or agricultural activities at Sandall House Farm. It was proposed to vary the condition to read 'The occupation of the dwelling shall be limited to persons solely or mainly working at the adjoining equestrian/agricultural enterprise known as Sandall House Farm or as holiday accommodation and shall not be occupied as a permanent, unrestricted accommodation or as a primary place of residence'.

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

The officer considered the following policies to be relevant:

National Planning Policy Framework



## PLANNING COMMITTEE MINUTES (Continued)

### The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- RAP7 - Converting Rural Buildings (Warwick District Local Plan 1996 - 2011)

### The Emerging Local Plan

- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE4 - Converting Rural Buildings (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CT4 - Extensions to Tourism, Cultural or Leisure Facilities in Rural Areas (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

### Guidance Documents

Sustainable Buildings (Supplementary Planning Document - December 2008)

It was the officer's opinion that the proposed uses were acceptable and would not harm the character of the existing building, openness of the Green Belt, neighbours' amenity or highway safety. The proposal was therefore considered to comply with the policies listed.

Members raised concerns that although Rowington Parish Council should be commended for voicing their opinions, it was disappointing that they had not attended the meeting to address the Committee. Members were satisfied that all of the points outlined by the Parish Council had been answered by officers in the report.

Following consideration of the report and presentation, the Committee

**Resolved** that W14/1133 be **granted** subject to the following conditions:

- (1) the occupation of the dwelling shall be limited to persons solely or mainly working at the adjoining equestrian/agricultural enterprise known as Sandall House Farm or as holiday accommodation and shall not be occupied at any time as permanent, unrestricted accommodation or as a primary place of residence. **Reason:** To avoid the creation of a sub-standard dwelling unit, which is

## **PLANNING COMMITTEE MINUTES (Continued)**

intrinsically linked to the equestrian facilities, in accordance with Policies DP1, DP2 & DP9 of the Warwick District Local Plan 1996-2011 and the aims of NPPF 2012;

- (2) all foul drainage shall be discharged to a septic tank with an adequate land soak away such that there is no discharge of sewage effluent to any ditch or watercourse, nor to any land drainage system leading thereto. The soak away should be sited no closer than 10 metres to any such watercourse. **Reason:** To ensure that adequate drainage facilities are available for the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011; and
- (3) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no further development shall be carried out which comes within Parts 1 and 2 of Schedule 2 of this Order, without the prior permission of the Local Planning Authority. **Reason:** To ensure that the openness of the rural area and the scale, character and appearance of the building are not altered by further extensions, in accordance with the aims and objectives of the NPPF 2012.

### **102. W14/1134 – Sandall House Farm, Narrow Lane, Lawsonford**

The Committee considered an application from Ms Saber for a single storey extension.

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

The officer considered the following policies to be relevant:

National Planning Policy Framework

#### The Current Local Plan

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

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

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

DP11 - Drainage (Warwick District Local Plan 1996 - 2011)

RAP7 - Converting Rural Buildings (Warwick District Local Plan 1996 - 2011)

RAP16 - Directing New Visitor Accommodation (Warwick District Local Plan

## PLANNING COMMITTEE MINUTES (Continued)

1996 - 2011)

### The Emerging Local Plan

BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

BE4 - Converting Rural Buildings (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

H14 - Extensions to Dwellings in the Open Countryside (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

### Guidance Documents

Sustainable Buildings (Supplementary Planning Document - December 2008)

Residential Design Guide (Supplementary Planning Guidance - April 2008)

It was the officer's opinion that the proposed extension was acceptable in principle and would provide an appropriate design solution that would not affect neighbouring amenity. The proposal was therefore considered to comply with the policies listed.

Members again, were disappointed that Rowington Parish Council had failed to attend the meeting despite lodging their objection to the application. It was agreed that their arguments had been answered by officers in the report.

Following consideration of the report and presentation, the Committee

**Resolved** that W14/1134 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 5407-A-301 and specification contained therein, submitted on 25/07/14. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) all external facing materials for the

## **PLANNING COMMITTEE MINUTES (Continued)**

development hereby permitted shall be of the same type, texture and colour as those of the existing building. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011; and

- (4) all window and door frames shall be constructed in timber and shall be painted and not stained. **Reason:** To ensure a high standard of design and appearance for this converted former rural building and to satisfy Policy DP1 of the Warwick District Local Plan 1996-2011.

### **103. W14/1222 – The Elephant and Castle, Old Warwick Road, Rowington**

The Committee considered an application from Mr Kitchener for the re-roofing of existing outbuildings and extension of existing shed and greenhouse to incorporate one garden store / garden room.

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

The officer considered the following policies to be relevant:

National Planning Policy Framework

#### The Current Local Plan

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

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

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

DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)

DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)

#### The Emerging Local Plan

BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

#### Guidance Documents

The 45 Degree Guideline (Supplementary Planning Guidance)

## **PLANNING COMMITTEE MINUTES (Continued)**

Sustainable Buildings (Supplementary Planning Document - December 2008)

It was the officer's opinion that the proposed replacement of the flat roofs to dual pitched roofs over the existing two outbuildings and extension of the shed and greenhouse to link the two outbuildings, was considered to be of acceptable design and scale which would not impact adversely on the character or appearance of the street scene, or cause significant harm to the Green Belt and did not substantially impact on the amenity of neighbouring properties which would support a reason for refusal.

Members again raised concerns that the Parish Council had not attended the meeting, despite submitting their objection on various grounds. However, the Committee were satisfied that the proposal was a vast improvement on the existing outbuildings.

Following consideration of the report and presentation, the Committee

**Resolved** that W14/1222 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing entitled "PROPOSED RE-FURBISHMENT OF OUTBUILDINGS AT ELEPHANT & CASTLE, OLD WARWICK ROAD, ROWINGTON", and specification contained therein, submitted on 11th August 2014. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011; and
- (3) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing main dwelling. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.

(The meeting ended at 7.50 pm)

**Planning Committee:** 11 November 2014

**Item Number: 5**

**Application No:** [W/14/1076](#)

**Town/Parish Council:** Warwick

**Registration Date:** 16/07/14

**Case Officer:**

Rob Young

**Expiry Date:** 14/11/14

01926 456535 [rob.young@warwickdc.gov.uk](mailto:rob.young@warwickdc.gov.uk)

**Land between Myton Road, and Europa Way, Warwick,**

Construction of up to 735 dwellings; a mixed-use neighbourhood centre to include retail development (Use Classes A1, A2, A3 & A4) and/or community and health uses (Use Class D1); safeguarding of land for education use; provision of formal and informal open spaces including sports and recreation provision, children's and youth play areas and allotments/orchards; strategic landscaping and drainage works including surface water attenuation ponds as part of a sustainable urban drainage system; provision of two vehicular accesses, one off Europa Way and one off Saumur Way; car parking; creation of new footpaths and cycleways and their connection to adjoining networks; ground remodelling; undergrounding of overhead powerlines including a new pylon to link to off-site overhead lines; formation of ponds as an ecological mitigation measure to accommodate the translocation of great crested newts FOR The Europa Way Consortium

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This application is being presented to Committee due to the number of objections that have been received from local residents and due to objections that have been received from the Town and Parish Councils.

**RECOMMENDATION**

Planning Committee are recommended to GRANT planning permission, subject to conditions and subject to the completion of a satisfactory Section 106 agreement. Should a satisfactory Section 106 Agreement not have been completed by 14 November 2014, Planning Committee are recommended to delegate authority to the Head of Development Services to REFUSE planning permission on the grounds that the proposals make inadequate provision in respect of the issues the subject of that agreement.

**DETAILS OF THE DEVELOPMENT**

This is an outline application with all matters reserved apart from access. The application proposes the erection of up to 735 dwellings together with a mixed-use neighbourhood centre and public open space. The application also proposes that part of the site will be safeguarded for educational use.

The main vehicular access is to be provided from Europa Way via a new signal-controlled junction opposite Olympus Avenue. A further vehicular access is proposed off Saumur Way. The Saumur Way access would serve a maximum of 70 dwellings once the development is complete. For a temporary period at the

start of the development, it is proposed that the maximum number of dwellings accessed off Saumur Way will be increased to 140 to allow time for the construction of the main site access.

The parameters plan submitted with the application allows for buildings of up to 3 storeys in height (12.5m) across the majority of the site. Along the northern and north-eastern boundaries of the site, building heights are shown as being restricted to 2.5 storeys (11m). The neighbourhood centre is indicated as having buildings up to 15m in height. Notwithstanding these maximum parameters, the Design and Access Statement indicates that the use of 3 storey buildings is expected to be limited, with such buildings principally being used as landmark buildings. The development would have a density of approximately 36 dwellings per hectare (based on a net residential area of 19.5ha).

The neighbourhood centre is proposed to provide either retail development (Use Classes A1 to A4) and / or community and health uses (Use Class D1). The neighbourhood centre is indicated as being located on the southern edge of the site. This is intended to adjoin further community facilities that are expected to be provided on the adjacent site to the south (to include a doctor's surgery and community hall).

The education land is intended to accommodate a new education campus to include an enlarged secondary school and a primary school. This land is situated alongside the existing site of Myton School and it is proposed that the new education campus would include the existing Myton School site and the additional land provided within the current application site. The applicant proposes that the education campus would be designed as a dual-use facility.

The application proposes a reduced affordable housing provision of 33% to compensate for the loss of development value associated with the provision of the education land. The provision of the education land represents an additional cost that the owner / developer of the current site has to bear, over and above the costs that owners / developers of other nearby sites have been subject to.

A total of 12.70ha of public open space is proposed to be provided on site. This would include a range of typologies of open space including amenity green space, parks and gardens, natural areas, allotments and children's / youth play areas.

In terms of drainage, the application proposes that surface water run off from the site will be controlled via a range of Sustainable Urban Drainage System techniques, including permeable paving, swales and attenuation ponds.

It is also proposed that the existing power lines that cross the site will be undergrounded. This will require the construction of a new pylon alongside the northern boundary to bring the power lines out of the ground to link up with the existing overhead lines that run over Aragon Drive.

The application was accompanied by extensive supporting documentation, including an Environmental Statement.

The applicant has agreed to enter into a Section 106 agreement to secure the following:

1. Preparation and agreement with the local planning authority of an Employment & Training Strategy to link local people with employment, training and contract opportunities arising from the development during its construction phase.
2. Preparation and agreement with the local planning authority of the design, management and maintenance of SUDS, adoption of SUDS and payment of the management/maintenance fees for 13 years.
3. Preparation and agreement with the local planning authority prior to the commencement of development of a Biodiversity Offsetting Scheme for off-site compensation to be identified in a Biodiversity Offsetting Report. The applicant would then deliver the agreed Scheme by funding the offsetting measures and their management/maintenance costs for at least 25 years.
4. Preparation and agreement with the local planning authority of a Site Wide Infrastructure Design, Management and Maintenance Strategy for areas of public open space within the site which shall provide for public access to open spaces in perpetuity. Payment of the management/maintenance fees for 13 years.
5. Requirement for children's play space to be provided in accordance with a scheme to be submitted for approval.
6. A contribution of £6,000 per open market dwelling towards the cost of off-site highway improvement schemes as required by WCC Highways.
7. A contribution of £638 per dwelling towards the provision of a bus service to the site.
8. A contribution of £12,745 towards the cost of improvements to public rights of way within a 1.5 mile radius of the site as required by the WCC Rights of Way Team.
9. A contribution of £75 per dwelling for sustainable welcome packs to help promote sustainable travel in the local area as required by WCC Highways.
10. A contribution of £8,007 per dwelling towards funding new primary, secondary, sixth form, early years and special needs school places.
11. Provision of a 7.12ha site for education use.
12. A contribution of £21.89 per dwelling towards library facilities.
13. A contribution of £768 per dwelling towards the provision of a country park.
14. A contribution of £831.04 per dwelling to fund improvements to indoor sports halls and swimming pools within Warwick District.
15. A contribution of £56.73 per dwelling to fund improvements to outdoor sports facilities within Warwick District.
16. A contribution of £1,039.65 per dwelling towards funding a new ward block at Warwick Hospital and additional outpatient, diagnostic, treatment and inpatient facilities, including hubs for community health care teams at Warwick and Leamington hospital sites as required by the NHS Foundation Trust.
17. A contribution of £145,724 per dwelling to fund police infrastructure.
18. Provision of 33% affordable housing, to deliver a tenure mix of 60/25/15% social rent / affordable rent / shared ownership. The level of affordable rent would be restricted to the mid point between social rents and 80% of market rent levels.
19. A contribution of £772.86 per dwelling towards the capital costs of construction of a new 5 GP surgery as required by NHS Property Services.



20. A contribution to fund the costs of the Council in monitoring the agreement (the lesser of £30,000 or 1% of the total of financial contribution).

## **THE SITE AND ITS LOCATION**

The application site is situated adjacent to the southern edge of Warwick. The site measures 39 hectares and is currently in agricultural use. The Agricultural Land Classification of the site is predominantly Grade 2, with small areas of Grades 1 and 3 and unclassified land.

The site forms part of housing allocation H01 "Land West of Europa Way" in the Draft Local Plan. This allocation includes health facilities, a local centre and other community facilities. The western part of the site is allocated for education use.

The site is situated within an area designated as an Area of Restraint in the current Local Plan.

The northern boundary of the site is formed by the footpath and cycleway that runs alongside the houses in Saumur Way and Aragon Drive, while the eastern boundary is formed by Europa Way. Leamington Shopping Park and the Tachbrook Park employment area are situated on the opposite side of Europa Way. The southern boundary of the site adjoins part of Warwick Technology Park and further agricultural land (also included as a residential and employment land allocation in the Draft Local Plan). The western boundary of the site adjoins Round Oak School, the farmhouse and former farm buildings at Brook Farm (no longer in agricultural use) and houses in Brittain Lane, Myton Road, Myton Crescent and The Malins.

There are two farmhouses on the site, both with associated farm buildings. King Henry VIII Farm is located close to the northern boundary of the site, alongside the existing access from Saumur Way. This comprises an early 20<sup>th</sup> Century farmhouse together with traditional brick barns and modern metal framed and clad barns. Cottage Farm is located close to the eastern boundary of the site, alongside Europa Way. This comprises a Victorian farmhouse together with traditional brick barns and modern metal framed and clad barns. Some of the farm buildings adjacent to Brook Farm are also located within the application site.

Two overhead power lines cross the site; a 33kV line running from north to south through the centre of the site and a 132kV line running from north to south towards the eastern edge of the site.

## **PLANNING HISTORY**

There have been a number of previous planning applications relating to different parts of the application site. Most of these are not relevant to the consideration of the current proposals. However, in 1980 and 1981 two planning applications were refused for residential development on the northern part of the site (Refs. W80/1419 & W81/0432). The reasons for refusal were as follows: (a) contrary to the Structure Plan; (b) prematurity in relation to the allocation of sites for residential development in the Structure Plan; (c) loss of high quality agricultural land; and (d) highway concerns about the need for two accesses onto Myton

Road (Europa Way did not exist at the time). A subsequent appeal in relation to application no. W80/1419 was dismissed.

The above applications included the land around Saumur Way / Aragon Drive that was subsequently developed for housing. The Saumur Way / Aragon Drive development was a scaled down version of the schemes that were refused permission in 1981.

The current application is a resubmission following the withdrawal of a similar scheme in 2013 (W13/1016).

There is another planning application currently under consideration for residential development on land adjoining the southern boundary of the application site (Ref. W14/0967).

### **RELEVANT POLICIES**

- DAP2 - Protecting the Areas of Restraint (Warwick District Local Plan 1996 - 2011)
- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
- SC4 - Supporting Cycle and Pedestrian Facilities (Warwick District Local Plan 1996 - 2011)
- Warwickshire Landscape Guidelines SPG
- Development Management Policy Guidance: Achieving a Mix of Market Housing on new Development Sites (Agreed by Executive - 19th June 2013)
- Garden Towns, Villages and Suburbs - A prospectus for Warwick District Council (Consultation document - May 2012)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- National Planning Policy Framework
- RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)
- SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
- SC12 - Sustainable Transport Improvements (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- SC14 - Community Facilities (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
- DP15 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Open Space (Supplementary Planning Document - June 2009)
- Vehicle Parking Standards (Supplementary Planning Document)
- Sustainable Buildings (Supplementary Planning Document - December 2008)

- Affordable Housing (Supplementary Planning Document - January 2008)
- DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
- DP5 - Density (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- Warwick District Local Plan 2011-2029 Publication Draft - published April 2014. Relevant policies: DS2, DS3, DS5, DS6, DS7, DS10, DS11, DS12, DS13, DS14, DS15, HO, H1, H2, H4, SC0, BE1, BE2, BE3, TR1, TR2, TR3, TR4, HS1, HS4, HS5, HS6, HS7, CC1, CC2, CC3, FW1, FW2, FW3, FW4, HE2, HE6, NE1, NE2, NE3, NE4, NE5, W1, DM1 & DM2.

## **SUMMARY OF REPRESENTATIONS**

**Warwick Town Council:** Object on the following grounds:

1) The site is included as a possible development within the District Council's consultation on the new local plan and any approval would prejudice the consultation and in particular the District Council's decision to analyse consultation responses and to take these responses into account before reaching a conclusion before the next round of consultations on a draft local plan.

2) The land to which the application relates is not allocated for housing purposes.

3) It is not accepted that the District Council does not have sufficient land to meet development for the next five years. There are currently outstanding permissions for the development of 1700 homes and the recent appeal decision to allow development of a further 200 plus homes on land at South Sydenham, provides a total of almost 2000 homes. To this total, can be added the land designated for housing for which permissions have not been sought and brown field development sites. Housing completions between 2006/2007 and 2011/2012, a period of six years, saw only some 1978 homes built (an average of 330 homes per year). From 2009/2010 to 2011/2012 a period of low economic growth, only an average of 141 homes were completed with a high of 188 in 2009/2010. Government forecast is for austerity and low growth to continue until 2018 and this very considerable constraint will limit demand to levels below the number of houses which can be built on available land in the next five years. The District Council's decision to seek to provide housing (some 12,300 homes) greatly in excess of that needed to meet local needs, has contributed directly to the assertion that the Council do not have sufficient land to meet a five year demand, and the District should seek to review the number of houses included in the local plan to provide for the real local needs of the District, and the consequent reduction would clearly show that the existing land allocation would meet local needs.

4) The Town Council is also concerned that the development would worsen the levels of Nitrogen Dioxide pollution in Warwick Town Centre, exacerbating the air pollution which already exceeded the legal limits specified by the Air Quality Regulation (England) 2000.

**Leamington Spa Town Council:** No objection. The Town Council welcomes the amendments made to the proposal, particularly the undergrounding of overhead powerlines, but still raises concerns about the effect of this development on the local infrastructure and trusts that the developer will work closely together with the District and County Councils to ensure a suitable infrastructure is in place prior to commencement.

**Bishops Tachbrook Parish Council:** Object on the following grounds:

- contrary to the rural area policies of the Local Plan;
- contrary to Local Plan Policy DAP2;
- contrary to the recommendations of the Local Plan Inspector (in 2006) who concluded that this should remain an Area of Restraint, due to the role that this area plays in separating Warwick and Leamington;
- with recent permissions granted for new housing, the District now has a 5.15 year supply of housing land in respect of the 12,860 dwelling requirement; and
- premature in advance of the new Local Plan.

**Public response:** 72 objections have been received, raising the following concerns:

- Warwick District does not need 12,300 new homes;
- inappropriate to have a vehicular access crossing the well used cycle track behind Saumur Way;
- contrary to the Local Plan;
- this is an Area of Restraint;
- this would merge Warwick and Leamington together;
- approving this development would be premature in advance of the new Local Plan;
- new development should be spread more evenly around the District;
- more brownfield land should be developed first;
- harm to the historic character and setting of Warwick;
- harm to the rural landscape and the setting of Warwick Castle;
- loss of high grade agricultural land;
- loss of ecology;
- loss of green space;
- turning Saumur Way from a small cul-de-sac into a through road;
- access should be via Europa Way only;
- traffic congestion;
- harm to highway safety;
- insufficient parking;
- noise and air pollution;
- loss of privacy;
- pressure on local infrastructure and services;
- loss of archaeology;
- adjoining properties already suffer flooding and this will be made worse; and

- the pylon relocation should not bring the power lines any closer to existing dwellings.

**Myton School:** Do not object to the residential developments in this area in principle and indeed welcome the allocation of housing sites as an opportunity to provide a better education offer in this area. Many of the school buildings at Myton are around 60 years old and their replacement would provide a better, modern educational environment. Accordingly Myton School does not object to the principle of development provided that, through obligations and conditions, the developers are required to make a significant contribution to the delivery of better education in the area.

However, Myton School are concerned that the delivery of better education will only be achieved if there is a comprehensive strategy to link the grant of planning permission to achieving the timely provision of classrooms and other education facilities. A delivery strategy has yet to be produced.

Myton School are also concerned about any proposals to reduce the education contribution below the £8,007 per dwelling that has been secured on other sites. Myton School also request that the education land is transferred directly to them, rather than the County Council.

**Leamington Society:** Object. The development would cause harmful coalescence between the towns of Warwick and Leamington. The proposed low density scheme would be unsustainable. The affordable housing provision is inadequate and contrary to policy. Both the applicant's and the Council's assessments of housing land supply and housing need are out of date and must be updated.

**Conservation Advisory Forum:** Significant concern was expressed at the scale of this application and the fact that it will produce excessive traffic congestion and pollution in both Leamington Spa and Warwick Conservation Areas. Concern was also expressed that there was no link to the technology park. The issue as to whether the football pitches could be used by the public after the school was closed was also raised. It was pointed out that this had originally been an area of restraint to stop coalescence between the two towns. Coalescence would now occur if this site is developed. There would be a loss of the green lung between the two towns and a loss of land which is currently available for agriculture. Some discussion took place on the five year housing supply and when this would be reached in order that such sites as this could be refused without the fear of inspectors allowing them at appeal.

**Natural England:** No objection. The development is likely to affect bats and great crested newts through disturbance and the damage or destruction of a breeding site or resting place. However, Natural England are satisfied that the proposed mitigation is broadly in accordance with their guidelines and should maintain the populations identified in the survey reports. Recommend a condition to require a detailed mitigation and monitoring strategy. Make further detailed comments in relation to agricultural land quality, green infrastructure and biodiversity enhancements.

**Environment Agency:** No objection, subject to conditions. Advise that the drainage proposals should help alleviate the existing surface water flooding problems at the Malins and Myton Crescent with the construction of a new drainage route. Following development a large proportion of surface water runoff will be captured and slowly released in the site SUDS system, which will significantly reduce flows. Make various recommendations to be dealt with at reserved matters stage in relation to matters such as drainage, flood risk and biodiversity.

**Highways Agency:** No objection.

**Sport England:** No objection. Some form of mechanism should be put in place to protect the playing field for community use, when it is transferred to the school. Request contributions towards indoor and outdoor sports facilities, including an indoor bowls facility.

**Canal and River Trust:** The site is 25m from the Grand Union Canal and therefore the development does not appear likely to have any significant direct impacts on the canal. Make comments regarding drainage and the canal and welcome the opportunity to discuss proposals for enhancement of the canal to be provided by this development.

**Inland Waterways Association:** Whilst the proposed development is virtually invisible from the canal corridor, The Inland Waterways Association (Warks branch) has several concerns with these proposals. Firstly, there would appear to be a greatly increased risk of local flooding for the existing properties north of the site. Secondly, the already bad traffic congestion in the area will be exacerbated leading to yet another reduction in air quality in Warwick and thirdly the vibration damage to the ancient buildings of Warwick will increase. The towns of Warwick and Leamington are already one conurbation when viewed from the canal, with the sole exception of the confluence of the Avon and Leam, and this development would further reduce the already limited green lungs of the area.

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

**Stagecoach:** Object. Raise a variety of concerns about the wider planning of new developments to the south of Warwick and Leamington and the associated transport infrastructure requirements from a bus / sustainable transport perspective. This development and adjoining sites should include comprehensive proposals for a high quality bus corridor linking a suitable virtual park and ride facility on land to the south through the site and on to Leamington Town Centre and the pump-priming of high quality bus services. The absence of any such comprehensive proposals would adversely affect the ability to provide a suitable bus service to the site.

Stagecoach make the following specific requests in relation to the current development:

- an effective means of securing bus priority, northbound in particular, from within the scheme as far as the Queensway / Tachbrook Park Drive roundabout;

- a bus-only northbound lane should be added to the site spine road on the approach to the site access onto Europa Way;
- bus priority should be provided at the northern end of Europa Way; and
- at least two pairs of bus stops should be provided within the development.

**National Grid:** Advise that they have gas transmission apparatus in the vicinity of the proposed development. However, raise no objection to the proposals.

**Western Power Distribution:** No comments received.

**English Heritage:** The scheme needs to be carefully considered in the light of its likely impact on traffic generation with respect to the Castle Bridge and the Warwick Conservation Area. Appropriate measures need to be put in place to ensure that the impact is kept to the minimum. At the same time you need to ensure that the archaeological considerations are adequately addressed, which appears to the case.

**Warwickshire Police:** No objection, but make recommendations for security measures to be incorporated into any reserved matters application. Request a contribution of £145,724 towards police infrastructure.

**Ramblers Association:** No public paths are directly affected by this proposal but, in terms of a sustainable layout which links to surrounding areas, it is almost entirely inward looking. The only link is a pedestrian element in the junction design, but with no suggestion of a direct link into the back of the Retail Park which will, effectively, act as 'town centre' for the large areas of housing being provided here. It is also noted that money is to be provided for a 'country park', but with no mention of its location.

**Warwickshire Wildlife Trust:** Recommend that the applicant is required to undertake a full Biodiversity Impact Assessment. The draft impact assessment undertaken by Warwickshire County Council indicated a potential biodiversity loss of up to 21.92% and therefore it is important that further information / mitigation is provided in relation to this.

**South Warwickshire NHS Trust (Acute and Community Healthcare):** Request a contribution of £1,039.65 per dwelling towards providing a new ward block at Warwick Hospital and providing additional outpatient, diagnostic, treatment and inpatient facilities, including hubs for community health care teams at the Warwick and Leamington hospital sites.

**NHS Property Services (Primary Care):** Request a contribution of £764 per dwelling towards the cost of constructing a new GP surgery.

**WCC Highways:** No objection, subject to conditions and Section 106 contributions.

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

**WCC Education:** Request a financial contribution towards education provision, together with the provision of land for primary and secondary education provision.

**WCC Libraries:** Request a contribution of £21.89 per dwelling towards library facilities.

**WCC Ecology:** Initially objected on the grounds of biodiversity loss. Subsequently the applicant has submitted further information to demonstrate that the biodiversity loss can be offset by compensatory works off-site. This can be secured in the Section 106 agreement.

Recommend conditions to require a Protected Species Contingency Plan, a Construction and Environmental Management Plan and a Landscape and Ecological Management Plan. Also recommend conditions regarding tree and hedgerow protection and lighting details.

**WCC Archaeology:** No objection, subject to a condition to require a programme of archaeological works to be carried out.

**WCC Rights of Way:** Request a contribution of £12,745 towards improvements to public rights of way within a 1.5 mile radius of the application site.

**WDC Housing Strategy:** 40% affordable housing should be provided, unless the applicant can demonstrate that this would render the scheme unviable. Note that a reduced provision of 33% is proposed in return for the provision of land for education purposes.

**WDC Environmental Health:** Recommend conditions to require a Contamination Assessment, a Construction Management Plan and details of noise insulation measures in relation to road noise. Also require measures to mitigate the impact of the development on air quality.

**WDC Tree Officer:** No objection in principle. The detailed layout can be designed to mitigate the impact on important trees and hedgerows.

**WDC Community Protection:** No objection, subject to conditions. Advise that further drainage / flood risk information will have to be submitted at the detailed design stage.

**WDC Greenspace Development Manager:** Following discussions with the applicant confirm that the open space proposals meeting the Council's standards in terms of size and typology. Make various detailed comments regarding the design, layout, maintenance and access to the proposed open space within the site.

**WDC Waste Management.** No objection. Make detailed comments about the requirements for refuse and recycling storage and collection.

## **ASSESSMENT**

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



- the principle of development;
- the impact on the living conditions of nearby dwellings;
- noise;
- air quality;
- landscape impact;
- impact on trees and hedgerows;
- heritage impacts;
- traffic impact / highway safety;
- affordable housing;
- the impact on local services;
- the ecological impact of the proposals;
- provision of open space;
- drainage and flood risk;
- loss of agricultural land; and
- health and well-being.

## **The principle of development**

### Five year housing supply

The site is situated within open countryside adjoining the edge of the urban area. This area is designated as an Area of Restraint in the current Local Plan. The relevant Local Plan Policies are RAP1 - 'Directing New Housing' and DAP2 - 'Protecting the Areas of Restraint'. However, the National Planning Policy Framework (NPPF) states (para. 49) that relevant policies for the supply of housing should *not* be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites against their housing requirement. Whilst the Council can demonstrate a five year supply against the requirements of the revoked Regional Spatial Strategy 2008, these requirements do not reflect the most up-to-date evidence in terms of objectively assessed housing need. In terms of the most recent evidence of housing need, the Council cannot demonstrate a five year supply.

The latest Five Year Housing Land Assessment (August 2014) indicates that the housing land supply is 4.2 years. The five year requirement (2014-2019) is 5,573 dwellings. With 4,640 already provided, this leaves a shortfall of 993. Based on an annual requirement of 1,115 dwellings, this amounts to a 0.8 year shortfall.

Accordingly Policies RAP1 and DAP2 are clearly out of date and in these circumstances the NPPF requires applications to be considered in the context of the presumption in favour of sustainable development. That means granting planning permission unless either:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or
- specific policies in the NPPF indicate development should be restricted.

Granting outline permission for this site will increase the supply of land for housing and will contribute towards helping the Council meet its five year requirement. This carries significant weight in the assessment of the application. While the Council has no control over whether a site will be delivered, it is nevertheless reasonable to assume that a site with planning permission would be deliverable with a realistic prospect that development on this site would be achievable within a five year period.

#### Current policy position

The current Local Plan covered the period 1996-2011 and therefore makes no provision for future housing needs. This forms the Development Plan, which decisions should be made in accordance with, unless material considerations indicate otherwise. The NPPF is a material consideration, as are other policies under preparation such as the Draft Local Plan.

This site is allocated for residential development in the Draft Local Plan and the proposals accord with Draft Policy DS11. Some weight is attached to the Draft Local Plan due to its early stage in the planning process. The Draft Local Plan represents the Council's current preference for development based on the most up to date evidence base.

The interim level of growth previously adopted (in the Revised Development Strategy 2013) was 12,300 homes, based on the evidence previously available, including the 2012 Strategic Housing Market Assessment (SHMA). However, the Inspector considering Coventry's Core Strategy requested that Coventry City Council withdraw their Core Strategy in order to work with other councils in the sub-region in preparing a Joint SHMA. The Joint SHMA (2013) established the Objectively Assessed Housing Need in the Housing Market Area which includes Warwick District. The need for Warwick District is for 12,860 homes between 2011 and 2029, or 720 homes per annum.

The Draft Local Plan contains justification for the development of land within/adjoining settlements. This demonstrates that it will not be possible to provide sufficient land for the required housing growth within the existing urban area. Therefore it is necessary to allocate green field sites for development and to grant planning permission for development on such sites.

#### Prematurity

The scale of the development does not raise issues of prematurity in relation to the progress of the Draft Local Plan, due to its size. The development of the application site would not prevent any other development sites identified in the Draft Local Plan from coming forward and it is not dependant on, nor incompatible with, any other development sites which have been or are being considered. On this basis the development of the application site would not prejudice the outcomes of the preparation of the Local Plan and it could not therefore be demonstrated that permission should be refused on the grounds of prematurity.

## **Impact on the living conditions of nearby dwellings**

The application site is situated alongside a number of dwellings in The Malins, Myton Crescent, Brittain Lane, Saumur Way and Aragon Drive, as well as the dwelling at Brook Farm. The site currently provides a rural outlook for many of those dwellings. However, protecting the views of existing dwellings is not a material consideration in assessing a planning application. As this is an outline application, the detailed layout is not known at this stage. The size of the site is such that there is scope to design a detailed layout that would provide an acceptable relationship with neighbouring dwellings that would not cause unacceptable loss of light, loss of outlook or loss of privacy. Furthermore, the footpath / cycleway and associated hedgerow along the northern boundary of the site provides an existing buffer from some of the neighbouring dwellings.

The impacts on nearby dwellings in terms of noise and air quality are discussed under separate headings below.

### **Noise**

The proposals would result in increased traffic along surrounding roads and this would have implications in terms of noise. However, the Environmental Statement submitted with the application concludes that there would only be a limited increase in road traffic noise attributable to the proposed development and that this will not result in significant effects. The conclusions of the Environmental Statement have been accepted by Environmental Health.

The impact of traffic noise is likely to be most noticeable along Saumur Way, which would be a secondary vehicular access route to the development. However, this access would be limited to serving 70 dwellings, with the main vehicular access being from Europa Way, away from nearby dwellings. Considering the small number of dwellings that would be accessed along this existing cul-de-sac, it is not considered that this would result in unacceptable additional traffic noise for the existing dwellings along this road.

The Saumur Way access would temporarily be used by up to 140 dwellings at the start of the development. However, the Environmental Statement has considered this level of traffic along Saumur Way and has concluded that this would not cause unacceptable noise for existing residents. Therefore this increase in use is considered to be acceptable on a temporary basis.

In terms of construction noise, the applicant proposes to prepare a Construction Environment Management Plan and this would include measures to control construction noise. A condition is recommended to secure this. All construction traffic is proposed to access the site via Europa Way, enabling this to be routed away from sensitive receptors.

In terms of the impact of noise on the proposed dwellings, the main source would be traffic on Europa Way. The Environmental Statement advises that the installation of standard double glazing will provide sufficient noise attenuation across the majority of the development, with higher specification glazing required for those properties facing Europa Way. The process of designing the detailed layout will also provide the opportunity to position and orientate the

proposed dwellings to minimise noise. Environmental Health have raised no objection on these grounds, subject to a condition to require a scheme to be submitted to protect residents of the development from traffic noise.

### **Air quality**

WDC Environmental Health consider that the additional traffic generated by the proposed development will inevitably lead to an increase in vehicle emissions in the area. Environmental Health have recently published the Air Quality Planning Policy Guidance which recognises the impact of road transport emissions creep due to the aggregated impact of development schemes. The policy requires developers to use 'reasonable endeavours to minimise emissions and, where necessary, offset the impact of development on the environment'.

Environmental Health have advised that a low emission strategy should be produced for the development, which should include measures to mitigate the impact of the development on air quality. This can be required by condition. The approval of a suitable low emission strategy would ensure that the development does not have an unacceptable impact on air quality.

### **Landscape impact**

In terms of existing landscape character, the Warwickshire Landscape Guidelines include the application site within the Feldon and Dunsmore character area and the Feldon Parklands landscape type. The Guidelines advise that this landscape type is characterised by rolling topography, woodland and scatter farmsteads.

The entire site is located within a wider Area of Restraint defined in the current Local Plan and subject to Policy DAP2. This seeks to protect these areas from proposals that could alter their predominantly open character. The supporting text to Policy DAP2 notes that the value of the Areas of Restraint lies in their contribution to the structure and character of the urban area, providing open areas around towns. The development proposal would therefore be contrary to Policy DAP2 since it would harm the open nature of the area. However, Policy DAP2 is out of date because the Council is unable to demonstrate a 5 year supply of housing land. Furthermore, this designation is unlikely to be retained in the future because this site is included as a housing allocation in the Draft Local Plan. Therefore the Area of Restraint designation carries little weight in the assessment of the current proposals. Areas of Restraint must be regularly reviewed to ensure that there is still sufficient developable land to accommodate the housing needs of the towns.

Objectors have raised concerns about development in this particular part of the Area of Restraint contributing to the coalescence of the towns of Warwick and Leamington. In this regard, it is notable that the supporting text to Local Plan Policy DAP2 does not specify this as a purpose of the Policy; the only comments about coalescence refer to preventing surrounding villages merging into the towns, rather than the towns merging together. The merging of Warwick and Leamington has already taken place to a large extent, including the development around Saumur Way and Aragon Drive immediately to the north of the application site. Furthermore, the application site is arguably the most sustainable area for an urban extension south of Warwick and Leamington and therefore it is considered that the sustainability benefits of developing this site

rather than other more remote sites would outweigh any concerns about further coalescence of the two towns.

The development of this site will have an adverse visual impact on the rural area by introducing large scale built development on a greenfield site. The site is visible from the adjoining residential and commercial development to the north, east and west and from the countryside to the south.

In order to inform the assessment of potential residential development sites, the Council commissioned a Landscape Consultant (Richard Morrish Associates) in 2009 to carry out a Landscape Character Assessment of land to the south of Warwick and Leamington, including the current application site. The conclusions for the application site (and adjoining land to the south) were: *"Although this wedge of undeveloped land has been a strategic break between Warwick and Leamington, we feel its value to the setting of the towns has been greatly diminished by surrounding land use. We feel that carefully considered development here could enhance the setting of the towns and provide a better transition from rural to urban land"*.

The site was considered within a further 2012 assessment by the same consultants: "Options for Future Urban Expansion in Warwick District Considerations for Sustainable Landscape Planning". This report assessed the cumulative impact of development on the application site and further development sites to south of Gallows Hill and Harbury Lane. This did not raise any objections in principle to development on the application site.

In accordance with the Landscape Consultant's recommendations, it is considered that the landscape impact of development on the application site would be acceptable and could be mitigated to minimise the impact on the rural landscape. In terms of the impact on the wider rural landscape, development on this site would have considerably less impact than development on the other sites included in the Draft Local Plan. Out of all of the potential urban extension sites, the application site has arguably the most urban setting at present, being adjoined by the existing urban area to the west, north and east as well as a further proposed development site to the south. Consequently, in the context of the scale of growth that is likely to take place on nearby sites, there would be little impact on the wider rural landscape as a result of development on the application site.

The detailed layouts and heights of buildings, and the detailed landscape mitigation and open space layout will be subject to the consideration of a reserved matters application. However, in principle, it is considered that the development of this site could be mitigated to an appropriate standard to avoid serious and unacceptable visual harm to the rural landscape or to the setting of Warwick and Leamington.

The illustrative material submitted with the application indicates that there would be a mix of 2, 2.5 and 3 storey buildings. The detailed heights and size of building would be considered at reserved matters stage, but this mix of building heights is considered to be acceptable in this location.

Notwithstanding the mitigating factors outlined above, the development of this greenfield site would have a degree of adverse landscape impact. However, this needs to be balanced against the housing needs of the District. The benefits of securing 735 new dwellings to contribute towards housing needs in the District are considered to outweigh the limited landscape harm that has been identified.

### **Impact on trees and hedgerows**

There are a number of trees and hedgerows across the application site. As this is an outline application, the impact on these trees and hedgerows will not be known until reserved matters stage. The exception to this would be trees and hedgerows affected by the access works, which are proposed in detail at this stage. A short section of hedgerow would be removed alongside the proposed Saumur Way access and a section of hedgerow and small trees that would be removed to make way for the proposed access from Europa Way. These works are considered to be acceptable because they relate to very small sections of hedgerow and the affected trees are not significant specimens.

In order to accommodate a detailed residential layout it is likely that other less important trees and hedgerows will have to be removed. However, the appropriateness of this would be considered in the assessment of any subsequent reserved matters submission. There is scope for the layout to be designed around the important trees and hedgerows.

A draft Tree Retention and Removal Plan was included in the Tree Survey submitted with the application. However, as this is in draft form, a condition is recommended to require final details of tree retention and removal to be submitted for approval.

### **Heritage impacts**

Whilst there are no designated heritage assets in the immediate vicinity of the application site, the scale of the development is such that there may be potential impacts on assets further afield. The potential impacts on each of these assets is considered below.

Looking first at the Castle Park (a Grade I Registered Park and Garden), the application site is located approximately 700m from the eastern boundary of the Park. The site is separated from the Park by Warwick Technology Park. Therefore the proposed development will not bring the urban area any closer to the Park. Furthermore, the proposed development would not be visible from within the Park due to the screening provided by existing trees within the Park, the local topography and the presence of Warwick Technology Park on the intervening land.

The site would be visible from the Castle itself (a Grade I Listed Building and Scheduled Ancient Monument). However, this would be at a distance of 1.5km, with the site separated from the Castle by the development along Myton Road. Furthermore, the site is viewed in amongst the existing urban form of Warwick and Leamington, including large scale buildings to the east (Leamington Shopping Park / Tachbrook Park) and south-west (Warwick Technology Park). Therefore development of the application site would not impact on any notable

rural outlook from the Castle. Development on the application site will also not impact on the relationship between the Castle and the Castle Park.

With regard to the impact on the Castle Bridge (a Grade II\* Listed Building and Scheduled Ancient Monument), there are no proposals to make any changes to this structure to mitigate the traffic impacts of the proposed development. On-going maintenance of the structure is the responsibility of the Highway Authority.

The Conservation Advisory Forum and local residents have raised concerns about increased traffic congestion and pollution in the Leamington Spa and Warwick Conservation Areas. However, there has been no objection from English Heritage or the Council's Conservation Architect.

English Heritage have advised that the scheme needs to be carefully considered in the light of its likely impact on traffic generation with respect to the Castle Bridge and the Warwick Conservation Area. However, they have stopped short of stating that the proposals would cause harm to these designated heritage assets.

In assessing whether the proposed development would have a harmful impact in this respect, it is important to bear in mind that significant traffic congestion already occurs within these Conservation Areas and on Castle Bridge. Therefore it is considered that additional traffic from the proposed development would not have a material impact in Conservation terms. Furthermore, any residential development within or on the edge of the towns is likely to have a similar impact within the Conservation Areas, but such development is essential to meet the need for new housing within the District.

With regard to the two existing farmhouses on the site (Cottage Farm and King Henry VIII Farm), both of these are proposed to be demolished. Cottage Farm is a Victorian farmhouse and therefore it does have some heritage value. However, whilst the loss of this building is regrettable, it is not worthy of being Listed and the site is not situated within a Conservation Area. Consequently there are no statutory or policy grounds to support its retention. Furthermore, given the position of the farmhouse in line with the main access to the site from Europa Way, the retention of the building within the proposed scheme is not feasible. The same conclusions apply to King Henry VIII Farm, which is a later building and therefore of lesser significance than Cottage Farm.

Paragraph 134 of the NPPF requires the Council to weigh the public benefits of the proposed development against any less than substantial harm to designated heritage assets. As discussed above, if there is any harm to heritage assets, this is limited harm. In terms of public benefits, the proposals would provide a significant number of new dwellings to meet housing needs within the District. This is considered to be a significant public benefit given the lack of a 5 year supply of housing land. Therefore, if there is some limited harm to the designated heritage assets referred to above, it is considered that this is outweighed by the public benefits of the scheme.

The applicant has carried out an archaeological evaluation and this concludes that there are unlikely to be any sub-surface archaeological remains of heritage

significance present on the site. However, part of the site has not been subject to evaluation trenching. The County Archaeologist has advised that there is potential for archaeological features to survive across the remainder of the site and has recommended that a condition be imposed to require a further programme of archaeological work to be carried out. It is considered that this condition would ensure that any archaeological remains are adequately protected.

There is evidence of ridge and furrow earthworks on three areas of the site. However, these are isolated remnants and therefore they are considered to be of low heritage significance.

Taking all of the above matters into account, it is considered that the proposals would have an acceptable impact on heritage assets.

### **Traffic impact / highway safety**

The proposed development would increase traffic on the local highway network. The Transport Assessment submitted by the applicant considers the traffic impacts of the proposed development, taking account of other committed developments and highway schemes. The Transport Assessment concludes that the traffic impacts of the scheme as a standalone development could be mitigated by geometric changes to 3 nearby junctions, to include widening / realignment of the arms of these roundabout junctions. The 3 junctions are:

- the Princes Drive / Old Warwick Road / Europa Way / Myton Road roundabout;
- the Europa Way / Queensway / Tachbrook Park Drive roundabout; and
- the Banbury Road / Myton Road / Bridge End roundabout.

The Transport Assessment accepts that more extensive mitigation works will be required to these 3 junctions and other junctions on the local highway network when the cumulative impact of other proposals within the Draft Local Plan are taken into account. It is proposed that this would be secured via an off-site contribution.

The Highway Authority have accepted the conclusions of the Transport Assessment and have raised no objection to the proposals. They have requested contributions towards bus services, strategic highway infrastructure and sustainable welcome packs. The applicant has agreed to enter into a Section 106 agreement to secure these contributions. There has also been no objection from the Highways Agency in relation to the impact of the development on the strategic highway network (the M40 and A46). Therefore the proposals are considered to acceptable in terms of traffic impact and highway safety.

In terms of provision for pedestrians and cyclists, the Framework Travel Plan submitted with the application indicates that an extensive network of both shared use and segregated walking and cycling routes will be created within the site and these will connect to the existing external network. Detailed provision for walking and cycling within the site would be a matter to be considered as part of any reserved matters submission.



In general sustainability terms this site is arguably one of the most sustainable locations for an urban extension to Warwick or Leamington. It is situated in close proximity to a wide range of shops, services and employment opportunities and is as close to Warwick and Leamington Town Centres as an urban extension could be. Therefore, subject to the provision of appropriate local services and sustainable transport infrastructure to serve the development, there can be no objection in principle on sustainability grounds.

In terms of provision for bus services, the concerns of Stagecoach were forwarded to the Highway Authority to enable these comments to inform their assessment of the application. As the Highway Authority have not objected to the application, they clearly do not share Stagecoach's concerns. It is expected that a bus service will be routed through the site, along the spine road. The applicant has agreed to make a contribution towards funding this bus service, which will be operated by Stagecoach or another bus operator. Most of the proposed dwellings would be within 400m of a bus route. The bus service contribution and the strategic transport contribution will provide the Highway Authority with the resources to implement whatever bus priority measures that they consider appropriate. The Highway Authority will decide on the most suitable bus priority measures in the context of wider proposals for modifying nearby roads and junctions to cope with the cumulative level of housing growth in the Southern Development Area. Therefore it is considered that these outline proposals are acceptable in terms of provision for buses.

The indicative layout would allow for a rear entrance to be created into the expanded Myton School. This could help to alleviate existing problems associated with school traffic on Myton Road and should be considered as a benefit of the proposed development.

Objectors have raised concerns about the proposed access from Saumur Way crossing the existing well used cycle route along the rear of Saumur Way / Aragon Drive. However, these concerns are not shared by the Highway Authority. This access would only serve a maximum of 70 dwellings (after an initial period when up to 140 dwellings will use this access). Priority for pedestrians and cyclists using the cycle route would be retained through the provision of a raised crossing. Give way lines will be painted on the road to indicate that pedestrians and cyclists have priority and signage and barriers will be added to the cycle route to inform/encourage cyclists to dismount prior to crossing the highway.

The Ramblers Association have requested a new rear pedestrian / cycle entrance to Leamington Shopping Park to link with the proposed pedestrian crossing on Europa Way. However, this would require land within and adjacent to the Shopping Park that is in third party ownership. Furthermore, a neighbourhood centre is proposed within the site which would be easily accessible from all of the dwellings by walking and cycling and there are good pedestrian and cycling links from the site to convenience retail facilities on Myton Road (Lidl) and Old Warwick Road (Morrisons). It is also of note that providing a rear entrance to the Shopping Park would only reduce the walking / cycling distance from the proposed Europa Way junction to the entrance of Sainsburys by 200m (compared with following the existing footpath along Europa Way / Tachbrook Park Drive and round to the main entrance of the Shopping Park). Therefore it is

concluded that there is insufficient justification to require the developer to provide the suggested link.

Whilst the indicative layout shows a range of pedestrian and cycle connections to the surrounding area, the connections for vehicular traffic are more limited. The main access would be onto Europa Way and it is expected that the spine road will link through the proposed development on land to the south to provide a through route to Gallows Hill and another access onto Europa Way. However, there would be no through vehicular access onto Myton Road. The access off Saumur Way would be a cul-de-sac serving a limited number of dwellings.

In urban design terms it would be desirable for an access for through traffic to be provided onto Myton Road, to ensure a good level of connectivity between the existing and new neighbourhoods. This would also avoid residents of the existing and new neighbourhoods having to undertake lengthy detours via the Europa Way roundabouts in order to make what would otherwise be a very short journey between the existing and the proposed neighbourhood. However, the applicant does not wish to pursue this option due to concerns about potential rat running and the resulting harmful impact of increased traffic on existing residents in and around Myton Road.

Whilst it may be possible to design this through route in a manner that would discourage rat-running, it is likely that such a change to the scheme would generate significant opposition from the existing residents that might be affected by increased traffic. Therefore, it has been decided that it would not be appropriate to require a through route to be provided to Myton Road.

Issues relating to the detailed internal road layout and car parking would be considered as part of any reserved matters approval.

### **Affordable housing**

The affordable housing requirement for this site has been reduced to 33% to compensate the applicant for providing land for the education campus free of charge. The amount that the affordable housing requirement has been reduced by has been calculated as being equal to the development value that will be lost from the current site, compared with nearby residential development sites that have not been required to provide this amount of land for education. Therefore this reduction in affordable housing is considered to be an appropriate means of securing this critical piece of social infrastructure that will serve the whole Southern Development Area.

The applicant has agreed that the affordable housing will comply with the requirements of the Council's Housing Strategy in terms of tenure split and the level of affordable rents. Therefore the proposals are considered to be acceptable in terms of affordable housing provision.

### **Impact on local services**

There is significant concern from local residents with regard to the scheme resulting in further pressure on public services, and in particular schools, doctors and hospitals.

In terms of schools provision, Warwickshire County Council have indicated that a financial contribution of £8,007 per dwelling will be required for education provision. There is also a requirement for land to be reserved within the site for a new primary school and an expanded secondary school.

In terms of hospitals, South Warwickshire NHS Trust have requested a contribution of £1,039.65 per dwelling towards the cost of providing a new ward block at Warwick Hospital and providing additional outpatient, diagnostic, treatment and inpatient facilities, including hubs for community health care teams at the Warwick and Leamington hospital sites.

NHS Property Services have requested a contribution of £772.86 per dwelling to fund the construction of a new doctor's surgery.

WCC Libraries have requested a contribution of £21.89 per dwelling towards library services.

The County's Rights of Way team have requested a contribution of £12,745 towards rights of way improvements within 1.5 miles of the application site.

Warwickshire Police have requested a contribution of £145,724 towards police infrastructure.

There are also requirements for contributions of £831.04 per dwelling towards indoor sports facilities and £56.73 per dwelling towards outdoor sports facilities.

The Council's Greenspace Development Manager has advised that, if the open space land is to be transferred to WDC, then a commuted sum for maintenance would be required, including a sum for maintaining the proposed attenuation basin. A contribution of £768 per dwelling is also required for the creation / future maintenance of the proposed country park, which will be located to the south of the nearby residential development sites on Harbury Lane.

The applicant has agreed to all of the above Section 106 contributions. It is considered that this package of Section 106 contributions will provide adequate mitigation for the impact of the development on local services.

### **The ecological impact of the proposals**

The development will result in the loss of existing wildlife habitats and has the potential to increase contaminated surface water run-off into watercourses. A number of protected species have been recorded on site, including great crested newts, bats and badgers.

WCC Ecology required the applicant to undertake a Biodiversity Impact Assessment to quantify the extent of biodiversity loss together with proposals for this to be off-set. This has now been submitted and agreed by WCC Ecology. The proposals for off-site compensation will be secured by the Section 106 agreement. This will ensure that there is no net loss of biodiversity as a result of the proposed development. WCC Ecology have therefore now raised no objection to the application.

With regard to protected species, there is a population of great crested newts in a pond on the site. This pond would be removed to make way for the proposed development. Retention of the existing pond is not feasible because it is located in line with the main access to the site from Europa Way. However, mitigation measures are proposed, including the creation of two ponds and suitable habitats for great crested newts. Natural England have raised no objection to the proposals on this basis. Full details of mitigation measures could be secured by condition.

The bat surveys carried out by the applicant identified various species of bats foraging on site, together with maternity roosts in one of the outbuildings at King Henry VIII farm. WCC Ecology have recommended a condition to require this building to be retained or to require the provision of a suitable replacement structure for bats.

There is also a badger sett on site. Separate consent would be required from Natural England for the sett to be closed. If Natural England were to grant this consent, there would be a requirement for the badgers to be relocated to a new sett within the site and this would require sufficient foraging habitat to be retained to support the new sett. As this is an outline application, with the detailed layout to be agreed at reserved matters stage, there is scope for the layout to be designed around any new sett, including provision of suitable foraging habitat. Therefore WCC Ecology advise that this matter can be satisfactorily addressed by the imposition of a condition to require the submission of a detailed badger mitigation plan.

WCC Ecology have also recommended that a condition be imposed to require a more general Construction and Environmental Management Plan to be produced to include measures for the protection of species during and after development.

Subject to the mitigation measures that are to be secured by conditions and in the Section 106 agreement, it is considered that the proposals will have an acceptable ecological impact.

### **Provision of public open space**

The application proposes to include 12.70ha of public open space within the site. The open space provision is in accordance with the requirements of the Council's Open Space Supplementary Planning Document (SPD) in terms of overall size and in terms of the proportions of the various types of public open space. The Council's Greenspace Development Manager has confirmed that the open space provision is appropriate.

The applicant has agreed to make a contribution of £768 per dwelling towards the new country park to the south of the nearby development sites on Harbury Lane.

### **Drainage and flood risk**

The majority of the site (99.9%) is situated within Flood Zone 1 (i.e. land at lowest risk of flooding). The Myton Brook, a small tributary of the River Avon,

crosses the site. The area immediately adjacent to this watercourse is situated within Flood Zones 2 and 3. However, the strategic masterplan shows the area either side of this brook designated as public open space. The proposed development plots could be accommodated on the parts of the site within Flood Zone 1 and therefore the site is considered to be suitable for residential development from a flood risk point of view.

There has been no objection from the Environment Agency, Severn Trent Water or the Council's Community Protection team. All of these consultees are satisfied that the drainage and flood risk information that has been submitted with the application is sufficiently detailed for these outline proposals. Conditions are recommended to require further details as part of any reserved matters submission.

The detailed drainage proposals will include Sustainable Urban Drainage Systems. WDC Community Protection would require these features to be adopted and this would be included in any Section 106 agreement, together with a requirement for a contribution towards the costs of future maintenance.

Neighbours in Myton Crescent and The Malins have raised concerns about existing surface water flooding problems affecting their properties. The relevant consultees have been made aware of these concerns and their responses have taken these matters into account. Their advice is that a detailed surface water drainage scheme required by their recommended conditions should help to alleviate these existing surface water flooding problems.

### **Loss of agricultural land**

A number of objectors have raised concerns about the loss of productive agricultural land. The Agricultural Land Classification of the site is predominantly Grade 2, with small areas of Grades 1 and 3 and unclassified land. The detailed breakdown is as follows: 4.3ha of Grade 1, 20.6ha of Grade 2, 1.5ha of Grade 3a, 0.7ha of Grade 3b and 10.0ha where the agricultural land classification is unknown. Consequently the majority of the site is classified as the best and most versatile agricultural land as defined in the NPPF.

Paragraph 112 of the NPPF states that local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Paragraph 112 goes on to state that, where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

Looking first at whether development of agricultural land is necessary, this is demonstrated by the pressing need for housing in the District and the lack of a 5 year supply of housing land. The housing needs of the District will not be met without developing significant areas of agricultural land.

Turning to the requirement for local planning authorities to seek to use areas of poorer quality land in preference to that of a higher quality, it must first be acknowledged that much of the agricultural land adjoining the urban area of Warwick and Leamington is classified as the best and most versatile agricultural

and / or is situated within the Green Belt. Meeting the housing needs of the District and complying with Green Belt restrictions will inevitably require development on areas of the best and most versatile agricultural land.

A further factor of relevance to this issue in the current case is that this particular site is probably the most sustainable site for an urban extension to Warwick and Leamington. Of all of the potential urban extension sites, this is the closest to Warwick and Leamington Town Centres. It is also in close proximity to other facilities and employment opportunities within the towns. Therefore, it is considered that the need to provide new homes in a sustainable location overrides any concerns about the loss of productive agricultural land.

### **Health and Well-being**

The proposals would provide a significant amount of housing as well as public open space. These would be significant benefits of the scheme that would contribute to health and well-being.

### **Other matters**

Neighbouring residents have advised that they would object to any change in alignment of the existing overhead power lines if it brought these closer to the houses in Aragon Drive. However, the new pylon alongside the northern boundary of the site has been positioned to ensure that the power lines are brought out of the ground in a position that maintains the existing alignment of the overhead lines between the houses on Aragon Drive. The pylon is considered to be an appropriate feature for this part of the site, given that there are established pylons both on the application site and nearby in Aragon Drive.

Details of how 10% of the predicted energy requirements of the development will be produced from renewable energy technologies will be provided at reserved matters stage. A condition could be applied to any outline permission to deal with this issue.

The indicative location for the neighbourhood centre has been amended to relocate this to a position alongside the southern boundary of the site. Further community facilities are expected to come forward on the site to the south and this will enable the facilities on each site to be located together to form a contiguous neighbourhood centre to serve all of the land west of Europa Way.

A condition is recommended to require any reserved matters submissions to comply with the Council's Development Management Guidance on Market Housing Mix. This will ensure that the mix of market housing provided on the site will meet the market housing needs of the District as identified in the Strategic Housing Market Assessment.

### **SUMMARY/CONCLUSION**

Due to the Council's lack of a five year supply of housing land, Local Plan Policy RAP1 is out of date. Therefore the NPPF requires applications to be considered in the context of the presumption in favour of sustainable development. This states at paragraph 14 that where development plan policies are out of date,

permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF.

There are three dimensions to sustainable development: economic, social and environmental. The development would deliver economic benefits through the generation of employment during the construction phase, and from the increased population which would contribute towards increased expenditure in the local area and dependence on local facilities. Business would also benefit economically through the provision of highway network improvements. Social benefits would include the provision of a mix of types and sizes of market and affordable housing to meet identified local needs, the provision of open space, and improvements to shared infrastructure, including the provision of land for education use. Environmental benefits would arise from measures to increase biodiversity, sustainable transport improvements, more efficient use of land, provision of open spaces, sustainable drainage measures and improved footpath/cycle way links. The site is in a sustainable location adjacent to the urban area and will be integrated into the existing settlement by sustainable transport links. It is therefore concluded that the development represents sustainable development by satisfying the three dimensions identified in the NPPF.

It has been concluded that any issues of concern that have been raised can be satisfactorily addressed through the assessment of reserved matters applications, the provision of new facilities, and the provision of new infrastructure by way of financial contributions. The development would have an adverse impact on the surrounding landscape in terms of loss of openness and harm to rural character. However these impacts need to be balanced against the wider benefits of the development listed above.

Drawing these matters together, it is not considered that the adverse impacts on the landscape and rural area significantly and demonstrably outweigh the benefits of the development. The development is considered to comply with all current Local Plan policies aside from RAP1 and DAP2, which the NPPF advises cannot carry any weight. Furthermore the development is considered to comply with the policies of the NPPF, taken as a whole. The presumption in favour of sustainable development carries substantial weight, as does the contribution the development would make to the provision of housing to meet the needs of the District. The allocation of this site for housing in the Draft Local Plan also carries some weight. In addition, this scheme is of particular importance for the wider area because it provides land to meet the needs for enhanced secondary education provision to serve the whole Southern Development Area. It is therefore concluded that planning permission should be granted.

## **CONDITIONS**

- 1 This permission is granted under the provisions of Article 4(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2010 as amended, on an outline application and the further approval of the District Planning Authority shall be required to the undermentioned matters hereby reserved before any development is commenced:-

- (a) layout
- (b) scale
- (c) appearance
- (d) landscaping

**REASON** : To comply with Section 92 of the Town and Country Planning Act 1990 as amended.

- 2 Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission. **REASON:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).
- 3 The development to which this permission relates shall begin within three years of the date of this permission or within two years of the final approval of the reserved matters, whichever is the later. **REASON:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).
- 4 The development hereby permitted shall be carried out substantially in accordance with the details described in the Design and Access Statement and as shown on the parameter plans 26855-LEA282a and 26855-LEA283a, and specification contained therein, submitted on 27 October 2014. For the avoidance of doubt, drawing nos. 26855-LEA202e (indicative masterplan) and 26855-LEA206b (strategic masterplan) have been considered as being for illustrative purposes only and therefore are not approved. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011. The application is in outline with all matters (save access) reserved and the local planning authority wishes to ensure that those details that have not yet been submitted are appropriate for the locality in terms of visual and residential amenity and reflect the scale and nature of the development assessed in the submitted Environmental Statement.
- 5 No more than 140 dwellings shall be occupied unless and until the access to Europa Way has been constructed in strict accordance with drawing no. 26855-L133e, submitted on 3 November 2014. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1, DP2 and DP6 of the Warwick District Local Plan 1996-2011.
- 6 The vehicular access from Saumur Way shall be constructed in strict accordance with drawing no. 26855-LEA187a, submitted on 17 July 2014. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1, DP2 and DP6 of the Warwick District Local Plan 1996-2011.
- 7 No reserved matters application for any phase of the development shall be submitted until there has been submitted to and approved in writing by the Local Planning Authority a Site Wide Design Code for the approved development. This Design Code shall be in accordance with



the principles and parameters as set out within the Design and Access Statement, the plans listed in condition 4 above and the Council's guidance entitled "Garden Towns, Villages and Suburbs: A Prospectus for Warwick District Council, May 2012" (and any subsequent revision and/or approved plans/strategy available at the time).

The Design Code shall include the following matters:

- a hierarchy of streets/routes/sections (including the extent of adoptable highways and associated areas);
- development blocks including built form and massing and relationship with adjoining development areas/blocks including areas of transition between development parcels (including the relationship between built form and adjoining open space);
- building types;
- building heights;
- the means to accommodate the parking of vehicles and cycles;
- sustainable Urban Drainage features;
- key spaces, open spaces and green features;
- architectural language and detailing;
- design principles for street tree planting and other structural landscaped areas;
- design principles for hard and soft landscaping treatments (including surfacing materials for all public realm) and proposals for their long term management;
- design principles for waste disposal and recycling;
- design principles for the colour and texture of external materials and facing finishes for roofing and walls of buildings and structures;
- design principles for street lighting and any other lighting to public space (including parking areas);
- a regulating plan on an ordnance survey base at a scale no greater than 1:1250; and
- a mechanism for periodic review and refinement if necessary of the approved Design Code.

All reserved matters applications shall accord with the approved Design Code.

**REASON:** In the interests of good urban design and a comprehensively planned development in accordance with the NPPF, Policies DP1, DP14 & DP15 of the Warwick District Local Plan 1996-2011 and Policies DS7, DS15 & BE2 of the Warwick District Local Plan 2011-2029 (Publication Draft 2014).

8 No reserved matters application shall be submitted until a Site-wide Masterplan has been submitted to and approved in writing by the local planning authority. The Site-wide Masterplan shall be in accordance with all of the following:

- the approved Design & Access Statement and parameters plans listed in condition 4;

- the principles set out in the Council's guidance entitled "Garden Towns, Villages and Suburbs: A Prospectus for Warwick District Council, May 2012"; and
- the Site-wide Design Code to be approved under condition 7.

The Site-wide Master Plan shall include the following:

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

**REASON:** In the interests of good urban design and a comprehensively planned development in accordance with the NPPF, Policies DP1, DP14 & DP15 of the Warwick District Local Plan 1996-2011 and Policies DS7, DS15 & BE2 of the Warwick District Local Plan 2011-2029 (Publication Draft 2014).

- 9 No development shall commence until a construction phasing plan has been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the phases established in this approved phasing plan.  
**REASON:** To ensure the proper phasing of the development.
- 10 No phase of development shall commence under any reserved matters consent until a detailed lighting scheme for that phase has been submitted to and agreed in writing by the local planning authority. In discharging this condition the local planning authority expects lighting to be restricted around the boundary edges, particularly along hedgerows, where protected species are likely to be found, and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife. This

could be achieved in the following ways:

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

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

**REASON:** To ensure that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties and to ensure that appropriate measures are taken in relation to protected species in accordance with Policies DP2, DP3, DP9 and DAP3 of the Warwick District Local Plan 1996-2011.

- 11 No development shall take place until a Protected Species Contingency Plan has been submitted to and approved in writing by the local planning authority. The Plan shall include:

- (a) a schedule of badger mitigation measures to include details of matters such as artificial sett creation, provision of sufficient foraging habitat on site and provision of ecological corridors facilitating movement between areas;
- (b) a schedule of bat mitigation measures, to include up-to-date bat activity surveys and proposals for either the retention and protection of existing bat roosts or the provision of replacement bat roosts; and
- (c) a schedule of great crested newt mitigation measures, to include further survey work if necessary and proposals for either the retention and protection of the great crested newt habitats or provision of appropriate replacement habitats.

The Protected Species Contingency Plan shall include timescales for the works and proposals for on-going monitoring. The approved Protected Species Contingency Plan shall be implemented in strict accordance with the approved details and timescales.

**REASON :** To ensure that protected species are not harmed by the development, in accordance with Policy DP3 of the Warwick District Local Plan.

- 12 The development hereby permitted (including demolition) shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the local planning authority. In discharging this condition the local planning authority expect to see details concerning pre-commencement checks for protected and notable species with subsequent mitigation as deemed appropriate. In addition appropriate working practices and safeguards

for other wildlife dependent of further survey work, that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full. **REASON:** To ensure that protected species are not harmed by the development in accordance with Policy DAP3 of the Warwick District Local Plan.

- 13 The development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the local planning authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as ponds, wildflower grasslands and provision of habitat for protected species. Such approved measures shall thereafter be implemented in full. **REASON:** To ensure a net bio-diversity gain in accordance with the NPPF.
- 14 No development shall take place until a scheme for the provision and management of the river corridor and a minimum 8m buffer zone alongside Myton Brook has been submitted to and approved in writing by the local planning authority. The scheme shall include plans showing the extent and layout of the buffer zone, the design and location of any bridges over the river, a tree planting scheme for this zone and details of any footpaths, fencing or lighting within the zone. The scheme shall thereafter be implemented in strict accordance with the approved details and the buffer zone shall be protected in accordance with the scheme at all times thereafter. **REASON :** To ensure the protection of wildlife and supporting habitat and to secure opportunities for the enhancement of the nature conservation value of the site, in accordance with Local Plan Policy DP3.
- 15 No phase of development shall take place under any reserved matters consent until a scheme for that phase showing how 10% of the predicted energy requirement of the phase will be produced on or near to the site from renewable energy resources 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 this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. **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 DP13 in the Warwick District Local Plan 1996-2011.
- 16 No phase of development shall commence under any reserved matters consent until a scheme for that phase has been submitted to and approved in writing by the local planning authority indicating how and when the 'Secured by Design' standards will be incorporated into the development. The scheme shall be implemented in accordance with the approved details and shall be retained at all times thereafter. **REASON:** To ensure Secured by Design standards are met, in accordance with

Policy DP14 of the Warwick District Local Plan.

- 17 Notwithstanding the details indicated on the Draft Tree Retention and Removal Plan submitted with the application, no phase of development shall commence on any reserved matters consent until a Final Tree Retention and Removal Plan identifying existing trees, shrubs and hedgerows to be retained has been submitted to and approved in writing by the local planning authority. The existing trees, shrubs and hedgerows shown to be retained on this plan shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any trees, shrubs or hedgerows removed without such consent or dying, or being severely damaged or diseased or 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 trees, shrubs or hedgerows of such size and species details of which must be submitted to and approved by the local planning authority. All trees, shrubs and hedgerows shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces). **REASON:** To protect those landscape features which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011.
- 18 No part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the 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 British Standard BS5837: 2012, a Guide for Trees in relation to construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground 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:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.
- 19 The development hereby permitted shall not commence until: -
- (1) (a) A site investigation has been designed for the site using the information obtained from the desk-top study and any diagrammatical representations (conceptual model). This should be submitted to and approved in writing by the local planning authority prior to that investigation being carried out. The investigation must be comprehensive enough to enable:
- a risk assessment to be undertaken relating to human

health;

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

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

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

- (2) All development of the site shall accord with the approved method statement.
- (3) If during development, contamination not previously identified, is found to be present at the site then no further development shall take place (unless an addendum to the method statement, detailing how the unsuspected contamination shall be dealt with, has been submitted to and approved in writing by the local planning authority). This addendum to the method statement must detail how this unsuspected contamination shall be dealt with.
- (4) Upon completion of the remediation detailed in the method statement a report shall be submitted to the local planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved method statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

**REASON:** To safeguard health, safety and the environment in accordance with Policies DP2, DP3 & DP9 of the Warwick District Local Plan 1996-2011.

- 20 No phase of development shall commence under any reserved matters consent until a scheme for that phase detailing arrangements to protect residents of the development from excessive traffic noise entering habitable rooms and the provision of quiet garden areas shielded from road noise has been submitted to and approved in writing by the local

planning authority. The scheme shall be implemented in accordance with the approved details and shall be retained thereafter. **REASON:** To protect residents of the development from the adverse effects of traffic noise from outside the development in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

- 21 The development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which shall have been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for: a construction phasing plan; the anticipated movements of vehicles; the routing of delivery vehicles; the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction; measures to limit noise and disturbance; and a scheme for recycling / disposing of waste resulting from demolition and construction works. **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 DP2, DP6, DP8 & DP9 of the Warwick District Local Plan 1996-2011.
- 22 No phase of development shall commence under any reserved matters consent until a Low Emission Strategy for that phase has been submitted to and approved in writing by the local planning authority. The Low Emission Strategy shall thereafter be implemented in strict accordance with the approved details. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development, in accordance with Policy DP9 of the Warwick District Local Plan and the aims and objectives of national guidance within the NPPF 2012.
- 23 No phase of development shall commence under any reserved matters consent until a scheme for that phase for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority. **REASON:** In the interests of fire safety.
- 24 Prior to the submission of any Reserved Matters applications for any phase of development:
- (a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work across this site shall be submitted to and approved in writing by the local planning authority;
  - (b) the programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition

detailed within the approved WSI shall be undertaken;

(c) a report detailing the results of this fieldwork shall be submitted to and approved in writing by the local planning authority; and

(d) an Archaeological Mitigation Strategy document shall be submitted to and approved in writing by the local planning authority. This should detail a strategy to mitigate the archaeological impact of the proposed development. Dependent upon the results of the trial trenching, this may include further archaeological fieldwork and/or the preservation in situ of any archaeological deposits worthy of conservation.

No development shall take place until all fieldwork detailed in the approved Archaeological Mitigation Strategy has been completed in strict accordance with the approved details. The post-excavation analysis, publication of results and archive deposition shall be undertaken in accordance with the approved Archaeological Mitigation Strategy.

**REASON:** In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected where applicable, before development commences in accordance with Policy DP4 of the Warwick District Local Plan 1996-2011.

- 25 The development hereby permitted shall be carried out in strict accordance with the details of surface and foul water drainage works that shall have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011.
- 26 No phase of development shall commence under any reserved matters consent until a scheme for that phase has been submitted to and approved in writing by the local planning authority demonstrating that surface water runoff does not exceed runoff from the undeveloped site and does not increase the risk of flooding off-site. The scheme shall include the following:
- proposals to limit post-development runoff volumes and peak flow rates to the Greenfield discharge rate for all rainfall return periods up to and including a 1 in 100 year plus 30% (for climate change) event;
  - attenuation designed to accommodate a 1 in 100 year plus 30% (for climate change) event;
  - further detail on the implementation of SUDS;
  - proposals to alleviate existing flooding problems affecting Myton School and dwellings in The Malins and Myton Gardens; and
  - a demonstration that there will be no above ground flooding up to and including the 1 in 30 year rainfall event.



The approved drainage systems shall thereafter be installed in strict accordance with the approved details and timescales. The approved drainage systems shall be retained at all times thereafter and shall be managed and maintained in strict accordance with the approved details. **REASON:** To ensure that a satisfactory means of drainage is provided such as to minimise flooding, which promotes and maintains the good stewardship of the natural and built environment in accordance with Policies DP11 & DP3 of the Warwick District Local Plan 1996-2011.

- 27 No development shall commence until a scheme for the restoration of Myton Brook has been submitted to and approved in writing by the local planning authority. This shall include further hydraulic modelling to test the effectiveness of this restoration in reducing downstream flood risk. This shall also include details of timescales for the completion of these works. The restoration of Myton Brook shall thereafter be completed in strict accordance with the approved details and timescales. **REASON :** To reduce flood risk, in accordance with the NPPF.
- 28 Any landscaping (other than the planting of trees and shrubs) approved under condition 1, including boundary treatment, paving and footpaths, shall be completed in all respects for that phase of development, with the exception of tree(s) and shrub(s) planting, within the first planting season following the first use of the dwellings within that phase and the tree(s) and shrub(s) shall be planted within six months of that first use. Any tree(s) or shrub(s) removed, dying, or becoming in the opinion of the local planning authority seriously damaged, defective or diseased within five years from the substantial completion of the scheme shall be replaced within the next planting season by tree(s) or shrub(s) of similar size and species to those originally required to be planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.
- 29 The mix of type and size of market dwellings submitted as part of any reserved matters application must accord with the recommendations contained within the most up to date version of the "Development Management Policy Guidance : Achieving Mix of Market Housing on new Development Sites". **REASON:** To ensure that the housing meets the needs of the District as required by Local Plan Policy SC1 and the NPPF.
- 30 An area of land measuring no less than 0.28 hectare shall be reserved for a neighbourhood centre to provide 500 sq m of A1, A2, A3, A4 and / or D1 floorspace. This area of land shall be in the location identified on drawing no. 26855-LEA282a. Any reserved matters proposals for development on this land must include at least 500 sq m of A1, A2, A3, A4 and / or D1 floorspace and associated off-street parking facilities. **REASON :** To ensure that supporting facilities are provided as part of

this residential development, in the interests of creating a sustainable development, in accordance with the NPPF.

- 31 None of the commercial units hereby permitted shall be used for purposes falling within Use Classes A3 or A4 unless:

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

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

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

The odour mitigation measures shall be retained at all times thereafter and shall not be removed or altered in any way without the prior written approval of the local planning authority.

**REASON:** To protect residents of the development from the adverse effects of noise and fumes from commercial activities within the development in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

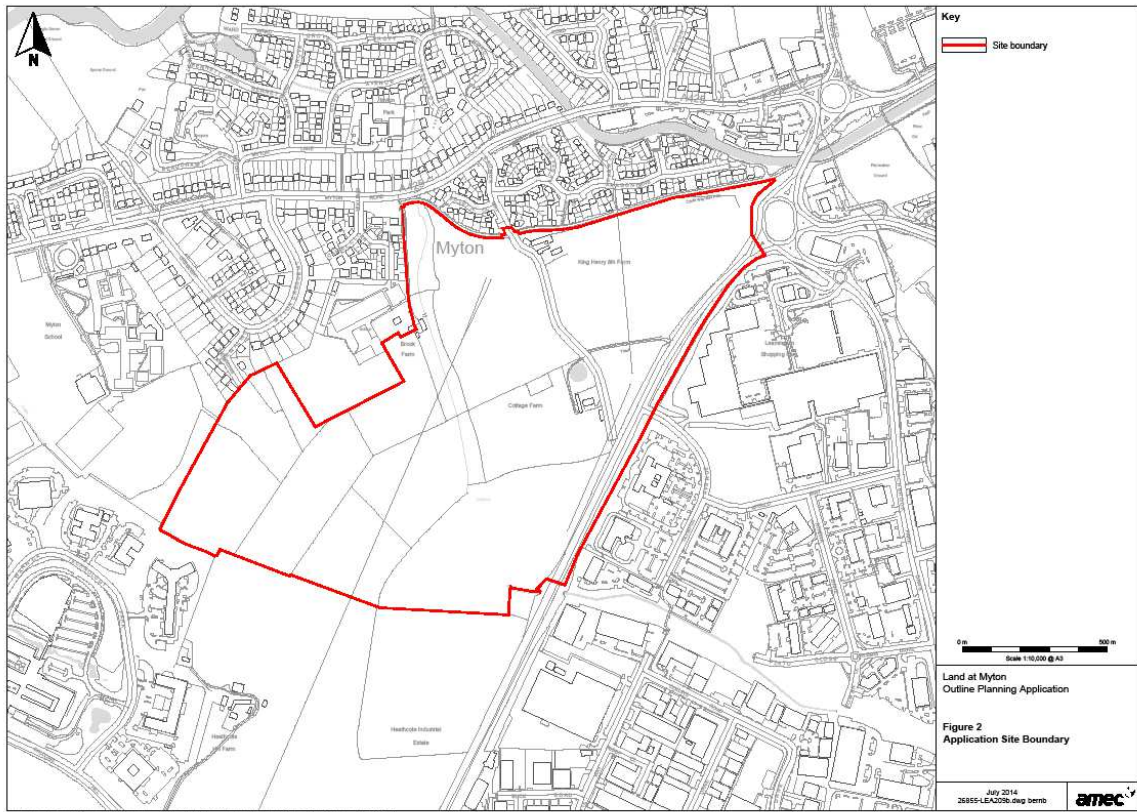
- 32 Noise arising from any plant or equipment installed at any of the commercial units hereby permitted (i.e. any unit falling within Use Classes A1, A2, A3, A4 or D1), when measured one metre from the façade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB(A) (measured as LAeq(5 minutes)). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **REASON:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

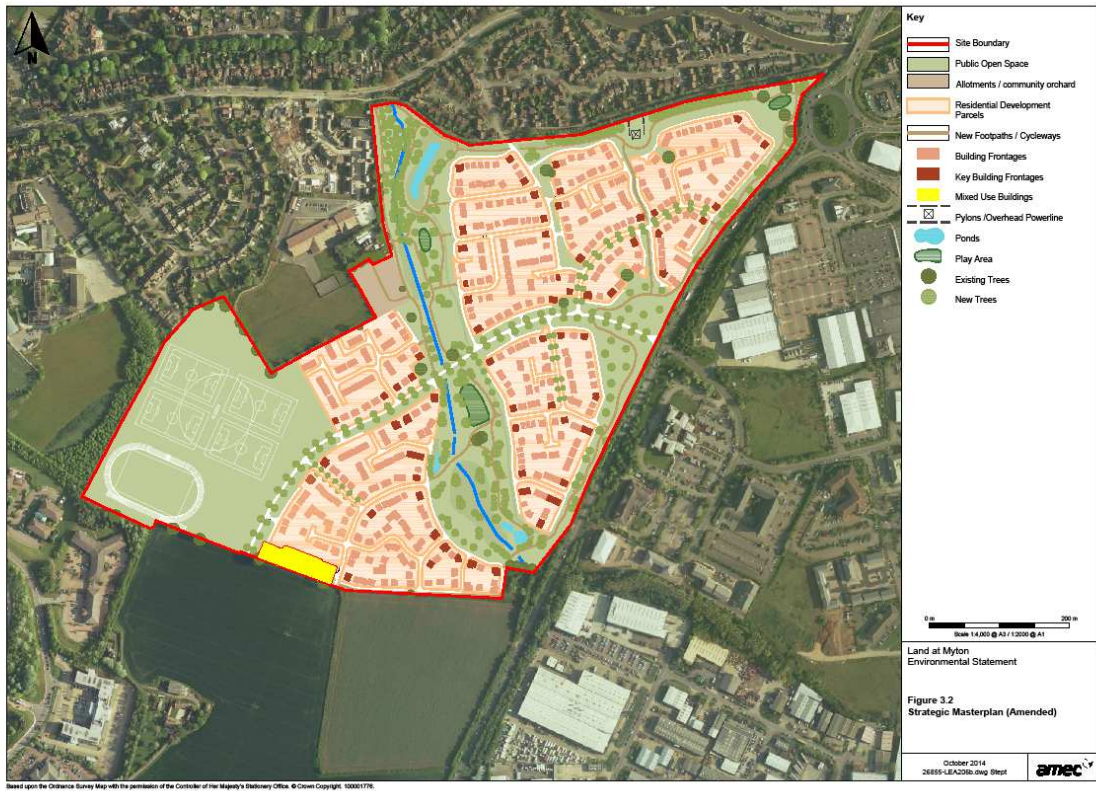
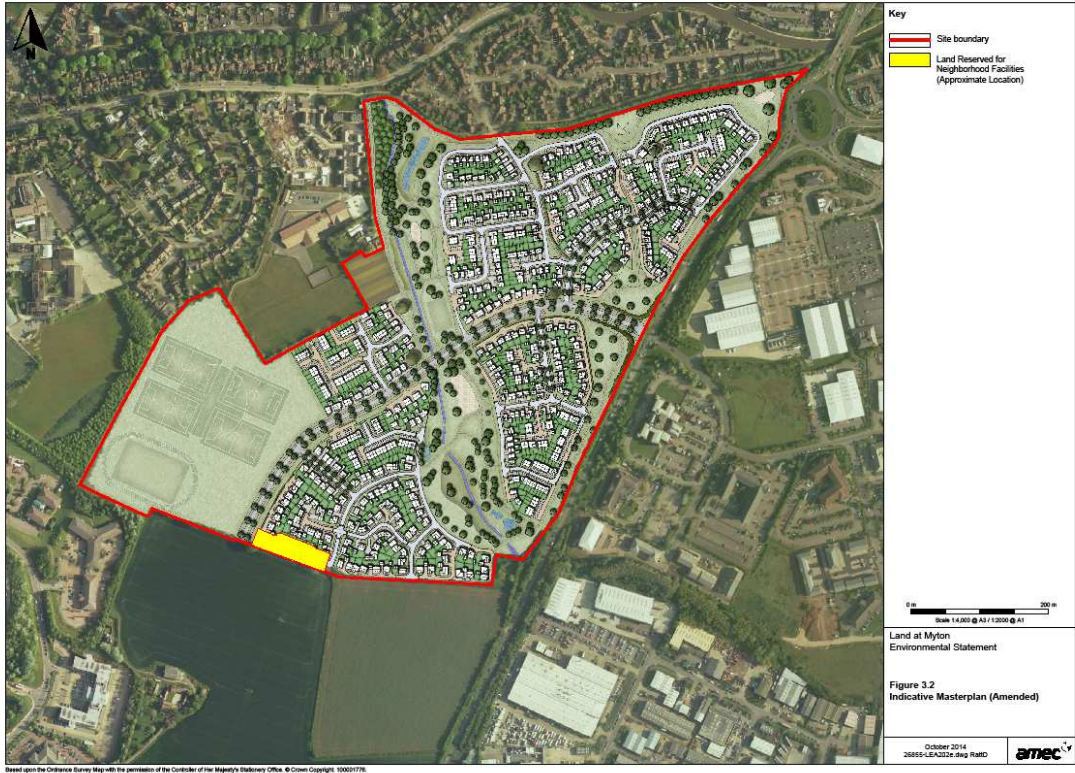
- 33 The development hereby permitted shall only be carried out in accordance with the Flood Risk Assessment by AMEC dated July 2014 and submitted on 17 July 2014, and the proposed flood mitigation measures contained therein. **REASON :** To reduce flood risk, in accordance with the NPPF.

- 34 For a period of 18 months from the date of the first occupation of any of the dwellings hereby permitted, no more than 140 dwellings shall be accessed via the proposed vehicular access off Saumur Way. At all times after 18 months following the first occupation of any of the dwellings hereby permitted, no more than 70 dwellings shall be accessed via the proposed vehicular access off Saumur Way. **REASON :** In order to protect the living conditions of the existing dwellings along Saumur Way, in accordance with Policies DP2 and DP9 of the Warwick

# District Local Plan.

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**Planning Committee:** 11 November 2014

**Item Number: 6**

**Application No:** [W 14 / 1267](#)

**Town/Parish Council:** Leamington Spa  
**Case Officer:** Rob Young

01926 456535 rob.young@warwickdc.gov.uk

**Registration Date:** 21/08/14

**Expiry Date:** 20/11/14

**Newbold Centre, Leicester Street, Leamington Spa, CV32 4TE**  
Demolition of existing building and erection of 31 dwellings FOR Waterloo  
Housing Group

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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 conditions.

### **DETAILS OF THE DEVELOPMENT**

The application proposes the demolition of the existing building and the erection of 31 dwellings. The development will use the existing vehicular access from Leicester Street which will be upgraded to adoptable standard. The access road will run along the northern side of the site, behind the existing front boundary wall to Leicester Street.

The proposed development includes 7 houses and 24 flats. The houses are two storey and will be set back from Leicester Street, behind the proposed access road. The access road then continues to the eastern end of the site where it is proposed to erect a 4 storey block of flats.

The application is submitted by Waterloo Housing Group and all of the dwellings are proposed to comprise affordable housing. This would include the following:

- 13 no. 1 bedroom flats for affordable rent;
- 11 no. 2 bedroom flats for affordable rent;
- 4 no. 2 bedroom shared ownership houses; and
- 3 no. 3 bedroom shared ownership houses.

A total of 41 parking spaces are proposed. These are located to the front and side of the proposed houses and in an undercroft area on the ground floor of the flats.

This is an amended application following the withdrawal of previous application no. W14/0679. The following amendments have been made since that withdrawn scheme was originally submitted:

- the number of houses has been reduced by 1 and the houses have been moved away from the boundary with No. 48 Leicester Street;
- the houses have been moved forwards to ensure a minimum 22m separation distance to the dwellings in Queen Street;
- the gable of the flats facing the dwellings in Queen Street has been part-rendered;
- various cosmetic changes have been made to the design of the block of flats;
- the bin store for the flats has been relocated;
- the access road has been amended to bring it up to adoptable standard;
- covered cycle parking has been provided for the proposed flats; and
- the parking layout has been amended.

### **THE SITE AND ITS LOCATION**

The application relates to the site of the Newbold Centre on the southern side of Leicester Street. The premises are currently vacant and were last used as a day centre for people with learning difficulties.

The existing building is located towards the eastern end of the site and is a single and two storey structure. The building incorporates a modern two storey pitched roof element (to the rear), together with a late Victorian / Edwardian flat-roofed element (to the front). The late Victorian / Edwardian element was originally a school.

The existing building is set down below the level of Leicester Street and therefore is not prominent in views from that road. The front boundary to Leicester Street is defined by a brick wall and railings. Vehicular access to the site is located towards the western end of the Leicester Street frontage.

The site is situated within a predominantly residential area and is surrounded by dwellings. The western boundary of the site adjoins the boundary of the Leamington Spa Conservation Area.

There are a number of trees situated towards the Leicester Street frontage of the site. There are also trees within the highway in this part of Leicester Street.

### **PLANNING HISTORY**

In 1978 planning permission was granted for "Demolition of part of school and erection of extensions to form adult training centre" (Ref. W78/1054).

Earlier in 2014 a planning application was submitted for "Demolition of existing building and erection of 32 dwellings" (Ref. W14/0679). This was withdrawn in August 2014.

## **RELEVANT POLICIES**

- National Planning Policy Framework

### Warwick District Local Plan 1996-2011

- SC8 - Protecting Community Facilities (Warwick District Local Plan 1996 - 2011)
- DP5 - Density (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
- SC14 - Community Facilities (Warwick District Local Plan 1996 - 2011)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)

### Warwick District Local Plan 2011-2029 (Publication Draft - April 2014)

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS6 - Level of Housing Growth (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS7 - Meeting the Housing Requirement (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS10 - Broad Location of Allocated Sites for Housing (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H0 - Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)

- H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- H2 - Affordable Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS6 - Creating Healthy Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS7 - Crime Prevention (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS8 - Protecting Community Facilities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- FW3 - Water Conservation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- FW4 - Water Supply (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

#### Supplementary Planning Documents & Supplementary Planning Guidance

- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Distance Separation (Supplementary Planning Guidance)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Vehicle Parking Standards (Supplementary Planning Document)
- Open Space (Supplementary Planning Document - June 2009)
- Affordable Housing (Supplementary Planning Document - January 2008)



## **SUMMARY OF REPRESENTATIONS**

**Town Council:** Support. Members welcomed this development as it would provide much needed housing in this area.

**Public response:** 17 objections have been received, raising the following concerns:

- poor layout and design;
- detrimental to the character and appearance of the area;
- harm to the setting of the adjacent Conservation Area;
- the proposed block of flats is too tall and out of scale with existing development in Leicester Street;
- overdevelopment;
- the density (70 dwellings per hectare) is far higher than that sought by the Local Plan (50 dwellings per hectare);
- the undercroft parking is a poor quality design feature and would have low levels of natural surveillance;
- the proposed houses should be moved closer to Leicester Street to reflect the established pattern of development in the area;
- some of the existing buildings on the site have architectural merit and should be retained;
- the provision of 100% affordable housing is contrary to Local Plan Policy SC11, which only requires 40%;
- the development would add to the existing over-concentration of affordable housing in this locality;
- the design is clearly that of an affordable housing scheme, whereas the Affordable Housing SPD requires the design to be "tenure blind";
- loss of trees;
- detrimental to highway safety;
- the access is too narrow and visibility is very poor;
- insufficient parking - this is the first area of unrestricted parking on this side of the town centre;
- increased pollution;
- increased noise from construction work and increased traffic;
- loss of privacy;
- loss of light;
- overbearing impact on the outlook from adjacent dwellings;
- loss of a community facility; and
- the gate in the boundary wall with the properties in Queen Street should not be retained because this represents a security risk.

**Cllr Dean:** Supports the development of the site in principle and particularly the provision of affordable housing. However, raises concerns about the height and bulk of the proposed block of flats. This would be very dominant and will tower over the houses. The block of flats would have an overbearing effect on the adjacent houses in Queen Street. The height of the flats should be reduced and they should be moved further from the boundary with the adjacent dwellings in Queen Street.

**Conservation Advisory Forum:** It was felt that the houses were rather bland and did not address the road and adjacent houses at all well. It was felt that the retention of the retaining wall and undercrofts was a positive contribution to the site. It was generally felt that the design needed to be reconsidered and it was also suggested that the Planning Committee should visit the site to understand the setting fully.

**Severn Trent Water:** No objection.

**Warwickshire Police:** No objection.

**South Warwickshire NHS Trust:** Request a contribution of £1,678 towards the provision of acute and community healthcare facilities.

**WCC Education:** Request a contribution of £144,352 towards education facilities.

**WCC Ecology:** No objection, subject to various conditions and informative notes.

**WCC Archaeology:** No comment.

**WCC Highways:** No objection, subject to conditions.

**WDC Housing Strategy:** Fully support this proposal for affordable housing.

**WDC Waste Management:** Comments regarding the size, design and access for the refuse and recycling storage areas.

**WDC Tree Officer:** The significant trees within the site should be retained, if possible.

## **ASSESSMENT**

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

- loss of the community facility and the principle of development;
- the impact on the living conditions of neighbouring dwellings;
- impact on the character and appearance of the area and the setting of the adjacent Conservation Area;
- car parking and highway safety;
- affordable housing;
- Section 106 contributions;
- impact on trees;
- ecological impact; and
- health and wellbeing.

## **Loss of the community facility and the principle of development**

The existing premises comprise a community facility to which Local Plan Policy SC8 applies. This states that redevelopment or change of use of community facilities that serve local needs will not be permitted unless:

- (a) there are other similar facilities accessible to the local community by means other than the car; and either
- (b) the facility is redundant and no other user is willing to acquire and manage it; or
- (c) there is an assessment demonstrating a lack of need for the facility within the local community.

The Design and Access Statement submitted with the application includes a section to address the above policy. Looking first at Criterion (a), the applicant has demonstrated that the facility is surplus to the requirements of the County Council due to changes in the way in which they provide learning disability services. The County Council have adopted a revised strategy for these services and this ensures that similar facilities are available in accordance with Criterion (a).

Turning to Criterion (b), the applicant's statement confirms that the County Council decided to dispose of the property because it was surplus to requirements. This demonstrates that the facility is redundant. The applicant advises that the disposal has been undertaken in accordance with the County Council's "Surplus Property Protocol", which requires an assessment to be carried out to determine if there is any other viable alternative use for the property either by the Council or its partners. This involves discussion with the relevant District/Borough Council, the Police, NHS, Government Agencies and the voluntary and community sectors. If no alternative Council or partner use is identified, the Protocol requires consideration to be given to whether or not it would be appropriate to seek interest from a community organisation for a potential asset transfer.

The applicant and the County Council have confirmed that this Protocol was strictly adhered to in the disposal of the application site. This protocol mirrors the requirements of Criterion (b) of Policy SC8 and therefore it is considered that compliance with the Protocol also demonstrates compliance with Criterion (b).

As the proposals meet criteria (a) and (b), the development is in accordance with Policy SC8.

Now that compliance with Policy SC8 has been established, the proposals must be assessed against Local Plan Policy UAP1 to determine whether it is a suitable site for residential development, in principle. The application site comprises previously developed land within the urban area. Therefore the proposals would be in accordance with Local Plan Policy UAP1.

## **Impact on the living conditions of neighbouring dwellings**

The current proposals represent an amended scheme following the withdrawal of an earlier application. A number of the amendments have improved the relationship with neighbouring dwellings. This includes the omission of one unit alongside the boundary with the existing dwelling at No. 48 Leicester Street. It is considered that the nearest dwelling is now far enough away from No. 48 to ensure that the proposals would not cause unacceptable loss of light, loss of outlook or loss of privacy for that dwelling.

Another amendment has involved the repositioning of the proposed houses (plots 1-7) to ensure a minimum 22m separation distance from the existing dwellings in Queen Street. This would be in accordance with the minimum distance required by the Council's Distance Separation Guidelines and therefore this is considered to be sufficient to ensure that the proposals would not cause unacceptable loss of light, loss of outlook or loss of privacy for those dwellings.

The separation distance between the proposed block of flats (plots 8-31) and the existing dwellings in Queen Street remains the same as originally submitted (18.7m). The Distance Separation Guidelines do not include a standard that exactly matches the relationship that will be created by this part of the proposed development, i.e. two storey dwellings facing a four storey gable end (containing only obscure glazed windows). The closest match is the standard for two storey dwellings facing a three storey gable end, which specifies a minimum distance of 16m. The proposed development exceeds this distance by 2.7m. This additional distance is considered to provide adequate mitigation for the extra height created by the fourth floor. This additional distance is also considered to provide adequate mitigation for the fact that this elevation would be wider than a conventional gable end, as it comprises two gables with a total width of 17.65m. The scheme has also been amended to part-render this gable end, which would provide some relief from the mass of brickwork. Therefore, considering the separation distance and the design of this elevation, it is considered that the proposed block of flats would not cause unacceptable loss of light, loss of outlook or loss of privacy for the adjacent dwellings in Queen Street.

Turning to the adjacent dwellings to the east of the site in Aqua House, the separation distance from the windows in the proposed block of flats and the side elevation of Aqua House would be 20.5m. There are only bathroom windows in that elevation of Aqua House and therefore it is considered that the proposals would not cause unacceptable loss of light, loss of outlook or loss of privacy for those properties.

Finally, looking at the impact on the houses on the opposite side of Leicester Street, the separation distances would be 27.5m from the proposed block of flats and 41.5m from the proposed houses. As a result, there would be no significant impact on those properties in terms of loss of light, loss of outlook or loss of privacy.

For the above reasons it has been concluded that the proposals would have an acceptable impact on the living conditions of neighbouring dwellings.

## **Impact on the character and appearance of the area and the setting of the adjacent Conservation Area**

Whilst the site itself is not situated within a Conservation Area, it does adjoin the boundary of the Leamington Spa Conservation Area. Therefore the Council's Conservation Architect has been involved in considering the design of the scheme. Amendments have been made to improve the design, and these have been agreed with the Conservation Architect. The amendments have also addressed some, but not all, of the concerns of the Conservation Advisory Forum.

Notwithstanding the concerns of objectors and the Conservation Advisory Forum, it is considered that the amended scheme would represent a suitable design for this site outside of the Conservation Area. The design and form of the development would be in keeping with surrounding buildings. In terms of height, the four storey block of flats would be set on land that is one storey lower than Leicester Street. Therefore, when viewed from the street, it would be seen as a three storey building. This would be in keeping with the height of Aqua House on the adjoining site to the east.

In terms of layout, it is considered appropriate for the proposed houses to be set back from Leicester Street behind the access road. Moving the houses forward to line through with adjacent buildings would not be practical due to the changes in levels across the site and between the site and Leicester Street. In any case, as a result of the change in levels and the set back from the frontage, the proposed houses would not be prominent in views from Leicester Street. The proposed block of flats is located closer to the front boundary and provides a more conventional frontage for that part of the site.

For the above reasons, it is considered that the proposals would have an acceptable impact on the character and appearance of the area and would preserve the setting of the adjacent Conservation Area.

## **Car parking and highway safety**

In terms of car parking, the proposed layout shows a total of 41 spaces. The Council's Parking Standards require a total of 41.5 spaces. A shortfall of half a space in the context of a scheme of this size is considered to be immaterial. Therefore it is considered that the parking provision is acceptable and will not create parking problems on Leicester Street.

Objectors have referred to the fact that the site is used as a car park for nearby St. Paul's Church. However, this is not a permanent arrangement. Furthermore it relates to a facility on a different site that is in different ownership. Therefore this cannot have any bearing on the assessment of proposals for the redevelopment of the site.

Turning to highway safety, the design of the access and the road within the site has been amended to address issues raised by the Highway Authority. As a result of these changes, the Highway Authority have raised no objection to the

proposals. Therefore the proposals are considered to be acceptable from a highway safety point of view.

### **Affordable housing**

The application has been submitted by a Registered Social Landlord and proposes that all of the dwellings will comprise affordable housing. Objectors have suggested that this is contrary to the Local Plan because Policy SC11 only requires 40% affordable housing. However, this is a minimum requirement. There is no policy imposing a maximum limit on the proportion of affordable housing.

It is true that there are some limited concentrations of affordable housing not too far from the application site, notably around St. Paul's Square and Kennedy Square and the surrounding streets. However, looking at the wider area, there is a reasonable mix of tenures. It is also important to note that the mix proposed for the application site comprises affordable rented units and shared ownership units. This would serve to broaden the mix of affordable housing units in the locality, which currently comprises predominantly social rented units. It is also of note that Leicester Street itself now contains very little affordable housing; most of the local authority housing is now in private ownership.

For the above reasons it has been concluded that the proposals would not create a harmful over-concentration of affordable housing in this locality.

### **Section 106 contributions**

Consultees have requested various contributions towards community facilities, including public open space, hospitals, education facilities and measures to promote sustainable travel. However, the applicant has argued that these contributions would render the scheme unviable because they are reliant on grant funding to finance the development. The applicant has submitted a viability appraisal in support of their case. The Council have appointed consultants to review the applicant's appraisal. They are expected to report back prior to Committee and their findings will be reported in the addendum report.

### **Impact on trees**

The application proposes the removal of a number of trees within the site. The most significant of these are a Sycamore and a Maple that are situated approximately 11m behind the front boundary with Leicester Street. Of these, the Sycamore is the more visible from the street, because it can be seen through the existing site access. In contrast, when viewed from the street the Maple is partially screened by the front boundary wall and the existing street trees in the pavement.

The Council's Tree Officer has advised that these two trees should be retained, if possible. However, the removal of these trees is necessary to enable the access road to be constructed to an adoptable width. Furthermore, it is the street trees in the pavement in front of the application that make the most significant

contribution to the character of this part of Leicester Street. The street trees partially screen the trees on the application site and this reduces the amenity importance of the application site trees. There is also scope within the proposed layout for replacement planting which would go some way towards compensating for the loss of these trees. Taking these factors into account, it is considered that the benefits of securing a significant amount of affordable housing outweigh the limited harm that would result from the loss of these trees.

### **Ecological impact**

An Ecological Appraisal was submitted with the application. WCC Ecology have accepted the findings of the appraisal and have advised that the proposals would have an acceptable ecological impact, provided conditions are put in place to impose certain safeguards.

### **Health and Well-being**

The proposals would provide affordable housing for people in housing need. This is a significant benefit that contributes to health and well-being.

### **Other Matters**

Objectors have raised concerns about the demolition of the late Victorian / Edwardian part of the building. However, as this building is not worthy of Listing and is not situated within a Conservation Area, the Council have no power to insist upon its retention.

Objectors have raised concerns about the density of the development and have suggested that this is contrary to the Local Plan. The density of the proposed development is approximately 70 dwellings per hectare whereas objectors suggest that the Local Plan seeks only 50 dwellings per hectare. However, the relevant Local Plan policy (DP5) specifies 50 dwellings per hectare as a *minimum* density. The Local Plan does not specify any maximum limit for densities. This is generally governed by matters such as the ability to provide adequate car parking or a suitable design that is in keeping with the character and appearance of the area. The proposed development has been assessed as being acceptable in these respects. Consequently the density of the development is considered to be acceptable.

Objectors have raised concerns about the lack of natural surveillance of the undercroft parking area. However, there has been no objection from Warwickshire Police. They have advised that an application has been made for "Secured by Design" and that they can see no reason by this should not be achieved. Therefore the proposals are considered to be acceptable in terms of designing out crime.

Objectors have raised security concerns about the retention of the existing gate in the southern boundary with the properties in Queen Street. However, these concerns relate to a private right of way and therefore cannot be considered in the assessment of this planning application.

The other issues raised by objectors have also been carefully considered, including the concerns about increased pollution, noise from construction work, increased traffic and concerns about the development not being "tenure blind". However, none of these other issues would justify a refusal of planning permission.

## **SUMMARY/CONCLUSION**

The applicant has submitted evidence to demonstrate compliance with Local Plan Policy SC8 in terms of the loss of this community facility. The development that is proposed would have an acceptable impact on the living conditions of neighbouring dwellings. The design and layout of the development is considered to be in keeping with the character and appearance of the area and would preserve the setting of the adjacent Conservation Area. The proposals are considered to be acceptable in terms of car parking and highway safety. The limited harm arising from the loss of trees is outweighed by the benefits associated with the provision of affordable housing. Finally, the proposals would have an acceptable ecological impact. Therefore it is recommended that planning permission is granted.

## **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 application form, site location plan and approved drawing(s) D05G, D10, D12C, D11, D12C, D13D, D14, D15, D16C, D17B, D18A, D20, D21, D22A, 13364-D1B & 13364-D2B, and specification contained therein, submitted on 20 August 2014 & 1 October 2014. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 The development shall not begin until a scheme detailing the affordable housing provisions has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:
  - (a) the tenure split;
  - (b) the arrangements for the management of the affordable housing;
  - (c) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
  - (d) the occupancy criteria to be used for determining the identity of



occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

**REASON :** To meet the requirements of Policy SC11 of the Warwick District Local Plan 1996-2011.

- 4 The development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable.  
**REASON :** To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.
- 5 No development shall commence until details of measures to ensure that construction traffic will not deposit mud and debris within the public highway have been submitted to and approved in writing by the local planning authority. The approved measures shall be implemented at all times that construction work is taking place on site. **REASON :** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.
- 6 No development shall commence until space has been provided within the site for the parking and loading / unloading of construction vehicles. This area shall be kept clear at all times for this purposes throughout the construction period. **REASON :** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.
- 7 The development shall be carried out only in full accordance with sample details of the facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority.  
**REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.
- 8 No part of the development hereby permitted shall be commenced until a scheme for the provision of suitable bird nesting boxes has been submitted to and approved in writing by the local planning authority. The scheme shall include details of box type, location and timing of works. The bird boxes shall be installed in strict accordance with the

approved details and shall be retained at all times thereafter.

**REASON:** To ensure that protected species are not harmed by the development, in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.

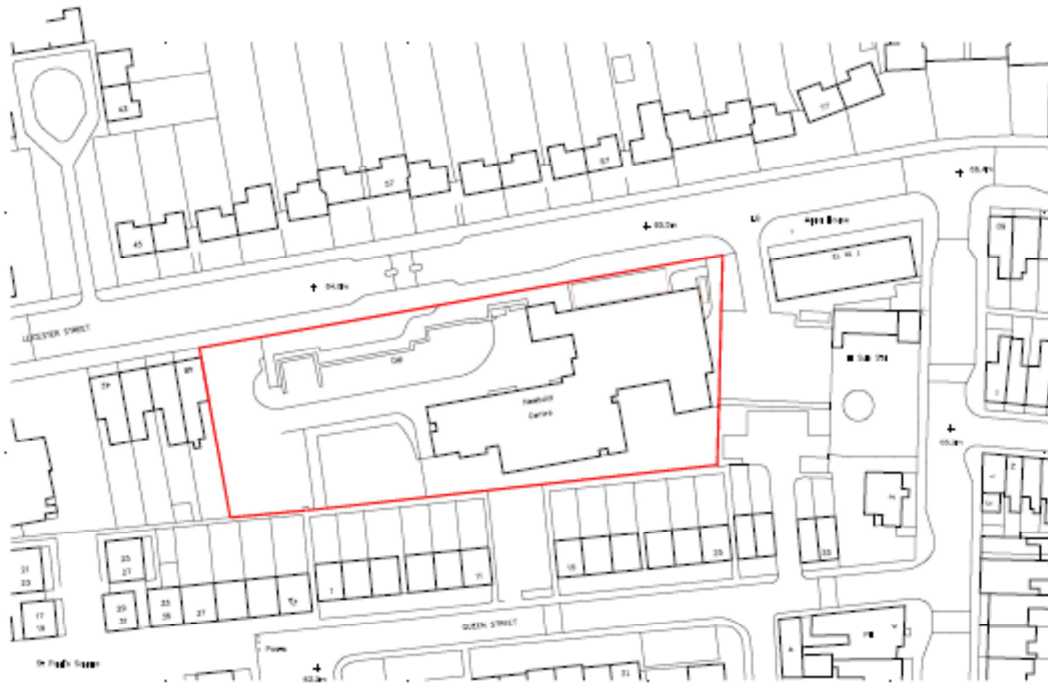
- 9 No development or other operations (including demolition, site clearance or other preparatory works) shall be commenced unless and until adequate steps, which shall have been previously approved in writing by the local planning authority, have been taken to safeguard against damage or injury during construction works (in accordance with Clause 7 of British Standard BS5837 – 2012 Trees in Relation to Design, Demolition & Construction) to all retained tree(s) on the site, or those tree(s) whose root structure may extend within the site. In particular no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree(s); no equipment, machinery or structure shall be attached to or supported by any retained tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area, or any other works be carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **REASON:** To protect those trees which are of significant amenity value to the area and which would provide an enhanced standard of appearance to the development in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.
- 10 The existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any tree(s) or shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with tree(s) and shrub(s) of such size and species details of which must be submitted to and approved by the local planning authority. All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces). **REASON:** To protect those trees and shrubs which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011.
- 11 The development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which shall have been submitted to and approved in writing by the local

planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.

- 12 The development shall be timetabled and carried out to wholly accord with the detailed mitigation measures for the safeguarding of bats within the site as set out in the document 'Biodiversity Report for Site at Newbold Centre, Leamington Spa, Warwickshire - Ecological Appraisal including Protected Species Survey' prepared by Curious Ecologists, dated 3 December 2013. **REASON:** To ensure that protected species are not harmed by the development, in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.
- 13 None of the dwellings on Plots 8-31 shall be occupied until the bin store has been constructed in strict accordance with the approved plans. The bin store shall be retained and kept available for the storage of refuse and recycling for Plots 8-31 at all times thereafter. **REASON :** To protect the amenities of occupiers of the site and the character and appearance of the locality, in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 14 The development hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times unless otherwise agreed in writing by the local planning authority. **REASON:** To ensure that a satisfactory provision of off-street car parking and turning facilities are maintained at all times in the interests of the free flow of traffic and highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011.
- 15 The cycle parking provision shown on the approved plans shall be

completed before any part of the development hereby permitted is first occupied and thereafter shall be kept free of obstruction and be available at all times for the parking of cycles associated with the development, unless otherwise agreed in writing by the Local Planning Authority. **REASON** : To ensure that there are adequate cycle parking facilities to serve the development, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011.

- 16 The access to the site for vehicles shall not be used in connection with the development hereby permitted unless a bellmouth has been laid out and constructed within the public highway in accordance with the standard specification of the Highway Authority. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.
  - 17 The hard surfaces forming the car parking spaces hereby permitted shall be constructed of porous materials. **REASON:** To reduce surface water run-off and to ensure that the development does not increase the risk of flooding elsewhere, in accordance with Policy DP11 of the Warwick District Local Plan
  - 18 Prior to the occupation of the development hereby permitted, the windows in the south-facing elevation of the block of flats (plots 8-31) shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed windows shall be retained and maintained in that condition at all times. **REASON** : To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011.
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LEICESTER STREET  
LEAMINGTON SPA

CHURCHILL ARCHITECTURE

**Planning Committee:** 11 November 2014

**Item Number: 7**

**Application No:** [W/14/1132](#)

**Town/Parish Council:** Leamington Spa  
**Case Officer:** Rob Young

**Registration Date:** 25/07/14  
**Expiry Date:** 01/12/14

01926 456535 [rob.young@warwickdc.gov.uk](mailto:rob.young@warwickdc.gov.uk)

**Sydenham Industrial Estate, Sydenham Drive and St Mary's Road,  
Leamington Spa, CV31 1PG**

Full planning application for the erection of 88 no. affordable and 55 no. low cost market dwellings (Use Class C3) served by vehicular access from St Mary's Road and Ramsey Road; associated car parking; landscaping; open space; and other ancillary and enabling works (resubmission of W/14/0446) FOR Orbit Group Ltd & CHS Developments Ltd

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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 conditions.

**DETAILS OF THE DEVELOPMENT**

The application proposes the redevelopment of the site for residential purposes to provide a total of 143 dwellings. This would consist of 88 affordable dwellings and 55 low cost market dwellings. The affordable dwellings would comprise 49 affordable rented units and 39 shared ownership units.

The development would include a predominantly two storey, terraced and semi-detached houses, with a small proportion of bungalows and two and three storey flats. The affordable units would include a mix of 1, 2, 3 and 4 bedroom houses, flats and bungalows. The low cost market units would comprise a mix of 1, 2 and 3 bedroom houses and flats.

The proposed dwellings would be accessed off St. Mary's Road and Ramsey Road. The proposed layout includes an area of public open space alongside the canal.

The following amendments have been made to the application:

- layout amended so that the dwellings generally front onto surrounding streets, the canal and streets within the development;
- single aspect flats on the northern side of Bellagio Stone merged into a single building to create a continuous noise barrier;

- dwellings opposite Bellagio Stone redesigned to ensure that the main “living” rooms (e.g. lounges and bedrooms) all have their main windows in the rear elevation, i.e. facing away from Bellagio Stone;
- increase in the size of the proposed public open space and a subsequent reduction in the number of dwellings from 147 to 143 together with a change to the mix of affordable and market units;
- confirmation that all of the existing trees along the boundary with the canal will be retained;
- increase in length of rear gardens for the houses backing on to the Magnet premises (an adjoining warehouse unit);
- increase in the size of the bin store for the flats;
- affordable housing spread more evenly across the site;
- road layout amended to address issues raised by the Highway Authority; and
- updated Noise Assessments submitted.

## **THE SITE AND ITS LOCATION**

The application relates to land forming the north-eastern corner of the Sydenham Industrial Estate. The site comprises an amalgamation of various different parcels of land and buildings that are now largely vacant. When fully occupied the buildings were used for a variety of purposes included light industrial, general industrial, warehousing and car sales and repairs. The existing buildings on the site are industrial buildings that are utilitarian in appearance.

Some occupiers remain on site, but the applicant advises that these are all on short term leases that have either already expired or will expire this year. This includes occupiers using premises for storing scaffolding equipment, for car sales and as a haulage yard. There are also two charitable organisations occupying premises on a grace and favour basis: Christian Mission and Agenda 21. The applicant advises that Agenda 21 also have an illegal sub-tenant operating as Greengeek Ltd.

The Grand Union Canal runs along the northern boundary of the site. There are houses on the opposite side of the canal. The land on the opposite side of the canal is situated within the Leamington Spa Conservation Area. Sydenham Drive runs along the eastern boundary of the site. There are houses, flats and the Stanley Court local shopping centre on the opposite side of Sydenham Drive. There is a wide grass verge separating the site from Sydenham Drive. St. Mary’s Road runs along part of the southern boundary of the site. There are warehouse premises on the opposite side of St. Mary’s Road.

The western boundary of the site has a rather more complex alignment. This boundary runs partly down Ramsey Road, but excludes the Magnet premises on the eastern side of the road. The boundary runs around the sides and rear of the Magnet site and then along Ramsey Road in front of Magnet to include some of the industrial buildings on the opposite side of the road. This part of the boundary runs along the northern side of the Bellagio Stone unit and along the eastern side of the former Elisabeth the Chef premises (now vacant).

The Bellagio Stone is used for general industrial purposes (Use Class B2). Magnet is a trade warehouse (Use Class B8). The Sydenham Industrial Estate continues on the opposite side of St. Mary’s Road.



There are a number of trees and shrubs along the boundary with the canal. There are also a number of trees in front of the site on St. Mary's Road and Sydenham Drive (within the highway verge).

## **PLANNING HISTORY**

There have been a significant number of previous planning applications relating to the various industrial and car sales premises across the application site. However, none of these are relevant to the consideration of the current proposals.

## **RELEVANT POLICIES**

- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
- SC2 - Protecting Employment Land and Buildings (Warwick District Local Plan 1996 - 2011)
- SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)
- Warwick District Local Plan 2011-2029 Publication Draft - published April 2014. Relevant policies: DS2, DS3, DS5, DS6, DS7, DS8, DS10, DS11, DS17, EC3, HO, H1, H2, H4, SC0, BE1, BE3, TR1, TR2, TR4, HS1, HS4, HS6, HS7, CC1, CC3, FW2, FW3, FW4, HE2, NE1, NE2, NE3, NE5, NE7, DM1 & DM2.
- DP5 - Density (Warwick District Local Plan 1996 - 2011)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
- SC14 - Community Facilities (Warwick District Local Plan 1996 - 2011)
- National Planning Policy Framework
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Distance Separation (Supplementary Planning Guidance)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Vehicle Parking Standards (Supplementary Planning Document)
- Open Space (Supplementary Planning Document - June 2009)

- Affordable Housing (Supplementary Planning Document - January 2008)
- Development Management Policy Guidance: Achieving a Mix of Market Housing on new Development Sites (Agreed by Executive - 19th June 2013)
- Garden Towns, Villages and Suburbs - A prospectus for Warwick District Council (Consultation document - May 2012)

## **SUMMARY OF REPRESENTATIONS**

**Town Council:** No objection. The Town Council welcomes the revised proposal but would like to see the inclusion of provision for allotments.

**Public response:** 33 objections and 7 representations in support have been received.

The objections are from nearby residents as well from the occupier of the adjacent Bellagio Stone industrial premises. Objections have also been received from Action 21 and Greengeek Ltd (who currently occupy premises within the application site).

Local residents have raised the following concerns:

- the three storey flats in the skyline view of Chesham Street and Waterloo Street would detract from the character and appearance of the Conservation Area;
- the flats should be relocated to the Sydenham Drive frontage;
- there is no need for the flats;
- more bungalows are needed;
- social rented homes are already well catered for in this area;
- the development is all low cost / affordable, there is little mix of housing type;
- the houses opposite Chesham Street and Waterloo Street should be set back further (as far as they are set back opposite Eastnor Grove);
- loss of privacy;
- overlooking of the houses in Chesham Street and Waterloo Street;
- increased traffic, particularly along St. Mary's Road;
- the site access should be direct from Sydenham Drive;
- detrimental to highway safety;
- insufficient parking;
- more green space should be included;
- allotments should be provided;
- loss of trees and other vegetation along the canal;
- harmful ecological impact;
- overdevelopment;
- harm to the character and appearance of the area;
- flood risk;
- pollution of the canal;
- detrimental impact on the future operation of adjacent businesses;
- the houses and flats adjacent to Bellagio Stone would suffer from poor living conditions;
- noise from increased traffic and from construction activities; and
- existing facilities cannot cope with this number of new dwellings.

The occupier of the adjacent Bellagio Stone premises has raised the following concerns:

- the company is growing and is making an important contribution to the local economy, employing 30 people;
- the company is keen to expand further;
- their premises benefit from unrestricted B2 use (general industrial);
- typical working hours are 6am to midnight weekdays but it has been increasingly necessary to continue production at weekends and bank holidays and in the early hours of the morning;
- a B2 use is, by definition, unacceptable in a residential area;
- the proposals represent inappropriate piecemeal development;
- the industrial estate should be redeveloped in a comprehensive manner;
- the applicant's noise report is flawed;
- the noise generated by Bellagio Stone would have a serious and adverse impact upon residential amenity;
- the Council required Bellagio Stone to relocate from their previous property due to noise complaints from neighbouring residents;
- if the proposed houses are built this will result in the company having restrictions imposed on them by Environmental Health and this will have a severe and detrimental impact on their business and their employees;
- the existing industrial premises would represent a very poor outlook for the proposed dwellings;
- deliveries to Bellagio Stone and Magnet are on HGVs and cranes and these will cause further noise, disturbance, inconvenience and traffic congestion for the new residents; and
- harm to pedestrian safety, particularly children, due to the lack of division between industrial and residential road users.

In response to the suggestion of a condition prohibiting occupation of the nearest dwellings for 3 years, the occupier of Bellagio Stone has commented as follows:

- Bellagio Stone have been advised by their solicitors that their lease can be extended and so there will not be a scenario where they have to vacate the premises after the current lease expires, unless they are forced to do so by Environmental Health and frictions with local residents;
- the suggested condition would be unlawful because it relates to issues of land ownership and leases, which are not material planning considerations;
- the applicants have no control over what happens with the occupation of the Bellagio Stone unit;
- the condition does not change the fact that the Bellagio Stone would continue to have a lawful use for B2 purposes and this would be inappropriate in a residential area;
- Bellagio Stone have invested thousands in the property with the latest technology in machinery; there is no doubt that they want to remain there;
- granting planning permission will effectively blight Bellagio Stone's business and force them out;
- the suggested condition does not assist Bellagio Stone and places a restriction on them, whether they are directly referred to or not;

- this is poor planning; the industrial area should be comprehensively developed or left as it is; and
- the door is open for the applicant to secure the relocation of Bellagio Stone; that would be the proper way to conduct business.

Action 21 have raised the following concerns:

- Action 21 are a charity operating a re-use and recycling facility;
- as a charity they cannot afford the costs of acquiring and relocating to alternative premises;
- the proposals would therefore detrimentally affect the reduction in waste going to landfill currently achieved by Action 21; and
- they request a contribution of £80,000 from the developer to assist with their relocation costs.

Another organisation, Greengeek Ltd, who describe themselves as a social enterprise, have submitted similar comments to those of Action 21.

The 7 supporters make the following comments in support of the development:

- re-use of land such as this is much better than expanding the town outwards;
- provision of affordable housing;
- there are plenty of facilities nearby for residents; and
- the proposals will improve the appearance of the area.

**St. Marys Residents Association:** Raise concerns about the volume of traffic using St. Mary's Road, particularly lorries.

**Natural England:** No objection.

**Environment Agency:** No objection, subject to conditions.

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

**Warwickshire Police:** No objection. Make detailed recommendations in relation to security measures.

**Canal and River Trust:** No objection, subject to conditions.

**Inland Waterways Association:** No objection to the low cost and affordable housing proposed and the public open space but are saddened to see no innovative or more attractive design features incorporated into the proposed buildings which would tie the estate into the surrounding community and enhance the area both visually and technologically.

**South Warwickshire NHS Trust:** Request a contribution of £1,678 per dwelling towards acute and community healthcare facilities.

**WCC Highways:** No objection, subject to conditions and a contribution of £75 per dwelling towards the provision of sustainable travel packs. Confirm that the

proposed development will result in a decrease in traffic compared with the current lawful use of the site (if fully occupied).

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

**WCC Ecology:** The site is adjacent to Ecosite 22/36 and the Grand Union Canal potential Local Wildlife Site. Recommend that the development is set back at least 8m from the canal. Other than that, the findings of the applicant's Ecological Surveys report are accepted. Various conditions and informative notes are recommended in relation to protected species and ecological enhancements.

**WCC Archaeology:** No comment.

**WDC Environmental Health:** Whilst Environmental Health initially objected to the application, they have subsequently withdrawn that objection following the submission of further noise assessments and amendments to the application. Environmental Health have advised that the frequent exceedances of maximum noise levels during the night for Plots 77-86 are far from ideal and can be attributed to the poor compatibility between residential and industrial uses as proposed in this scheme. However, they advise that the Noise Assessments demonstrate that even Plots 77-86 will be broadly compliant with their stipulated noise criteria. As a result, Environmental Health have advised that they can no longer maintain their objection. Conditions are recommended in relation to noise.

Environmental Health also make other detailed comments in relation to air quality, contamination and construction noise and recommended that conditions are imposed to address all of these issues.

**WDC Housing Strategy:** Fully support this substantial proposal for affordable housing from one of the Council's preferred Registered Provider partners.

**WDC Waste Management:** No objection. Make detailed comments about provision for refuse and recycling storage and collection.

**WDC Tree Officer:** No objection.

## **ASSESSMENT**

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

- loss of employment land and the principle of development;
- the impact on the living conditions of nearby dwellings;
- provision of a satisfactory living environment for future occupants of the proposed dwellings;
- impact on the character and appearance of the area and the setting of the nearby Conservation Area;
- car parking and highway safety;
- the mix of market and affordable housing;
- Section 106 contributions;
- public open space;

- impact on trees;
- ecological impact;
- impact on existing occupiers on the application site; and
- health and wellbeing.

### **Loss of employment land and the principle of development**

Local Plan Policy SC2 states that redevelopment or change of use of existing and committed employment land and buildings for other uses will not be permitted unless one of four criteria are met. Criterion (d) is not relevant because it relates to proposed non-housing uses. The other criteria are:

(a) the location and / or nature of the present employment activity has an unacceptable adverse impact upon adjacent residential uses, and an applicant can demonstrate that it would not be desirable to seek to replace this with any other employment use; or

(b) the applicant can demonstrate that there are valid reasons why the use of a site for the existing or another employment use is not economically viable; or

(c) the proposal is for affordable housing provided in accordance with the definition contained in policy SC11.

In assessing the proposals against Policy SC2, it is first important to note that a large part of the site has a lawful use for car sales, which is not an employment use. Therefore Policy SC2 does not strictly apply to that part of the site.

Criterion (c) of Policy SC2 allows for affordable housing schemes to be constructed on employment sites. However, whilst the applicant is an affordable housing provider, the scheme proposed is not 100% affordable housing as defined in the NPPF. A proportion of the units are market housing, albeit these will be relatively low cost market houses. Therefore the proposals do not fully comply with the exemption in Criterion (c).

The Council's Employment Land Review in 2013 identified the northern part of the Sydenham Industrial Estate (including the current application site) as being potentially suitable for a housing-led redevelopment. This stated as follows:

*The estate appears tired and has a high level of vacancies, most notably the northern half of the estate. Residential areas adjoin to the north and east. Potential for rationalisation and consolidation of the estate and redevelopment of the northern half of the estate for residential led development.*

The proposals outlined in the Employment Lane Review have been taken forward in the Draft Local Plan. Under Policy DS8, paragraph 2.28 states that the Council has undertaken a review of industrial estates within the District and identified certain areas as being less capable of providing the right type or location of employment land to meet future business needs. The Sydenham Industrial Estate is referred to as one such area. In addition to this, the majority of the

current application site is included as a housing allocation under Policy DS11 of the Draft Local Plan.

Whilst only limited weight can be attached to the Draft Local Plan at this stage, the proposals that it contains in relation to the Sydenham Industrial Estate and the current application site in particular do indicate that this area should be considered suitable for a residential redevelopment. The findings of the Employment Land Review are also a material consideration that should inform any assessment against Policy SC2.

Taking all of the above factors into account, and considering the fact that the majority of the proposed dwellings would meet the NPPF definition of affordable housing, it is concluded that the proposals would comply with criterion (b) of policy SC2 as well as partially complying with Criterion (c).

Now that compliance with Policy SC2 has been established, the proposals must be assessed against Local Plan Policy UAP1.

The application site comprises previously developed land within the urban area. Therefore the proposals would be in accordance with Local Plan Policy UAP1.

### **Impact on the living conditions of nearby dwellings**

The proposed dwellings would be situated well away from the nearest existing dwellings. The separation distances would be well in excess of the minimum distances required by the Council's Distance Separation Guidelines. The closest relationship would be between the gable ends of the two storey dwellings in the north-western corner of the site and the existing houses on the opposite side of the canal (at the end of Chesham Street and Waterloo Street). This separation distance would be 31.5m. The separation distances from existing dwellings are considered to be more than adequate to ensure that the proposed development will not cause unacceptable loss of light, loss of outlook or loss of privacy for nearby dwellings.

Objectors have raised particular concerns about the 3 storey block of flats in the north-western corner of the site. However, these flats would be over 60m from the existing dwellings, with the canal, trees and proposed houses in between. Therefore the flats would not cause any loss of light, loss of outlook or loss of privacy for existing dwellings.

For the above reasons it has been concluded that the proposals would have an acceptable impact on the living conditions of neighbouring dwellings.

### **Provision of a satisfactory living environment for future occupants of the proposed dwellings**

The site adjoins existing industrial and warehouse premises. Whilst some of these premises are currently vacant, some are occupied, including two units that adjoin the boundary of the application site. These are Magnet, a trade warehouse premises, and Bellagio Stone, a stone surface manufacturer.

A Noise Assessment was submitted with the application. This confirmed that Bellagio Stone is the most significant source of noise in the vicinity of the site. Further assessments have been carried out and submitted at the request of Environmental Health to ensure that the assessment captures the "worst case" scenario for the operation of Bellagio Stone, including working through the night.

As a result of these further Noise Assessments, the design and layout of the dwellings nearest to Bellagio Stone have been amended to provide further noise mitigation. This includes joining the two blocks of single-aspect flats on the northern side of Bellagio Stone into a single continuous block to create an enhanced noise barrier. Furthermore, the proposed dwellings that would face Bellagio Stone from the opposite side of Ramsey Road have been redesigned to ensure that all of the main "living" rooms (e.g. lounges and bedrooms) have windows in the rear elevation. As a result, the windows in the front elevations of those dwellings (serving kitchens, bathrooms, hallways and landings) will not need to be opened by residents. These dwellings have also been set back from Ramsey Road behind a landscape strip.

Whilst Environmental Health initially objected to the application, they have subsequently withdrawn that objection following the submission of further noise assessments and amendments to the application. The Noise Assessments demonstrate that the standards for maximum noise levels within habitable rooms that have been specified by Environmental Health would be met in full for all of the proposed dwellings except for plots 77-86. The data demonstrates that these plots would be broadly compliant, but that the maximum noise levels ( $L_{Amax}$ ) are likely to be exceeded between 2-10 times during the night. Of course this is all assuming that Bellagio Stone operate through the night and create the same noise levels at night that they generate during the day; that was the worst case scenario that Environmental Health required to be assessed.

The WHO Guidelines for Community Noise (1999) state that maximum noise levels ( $L_{Amax}$ ) should not be exceeded more than 10-15 times per night, although the guidelines also state that these events should be avoided and that noise levels lower than these may still be disturbing depending on the nature of the noise source.

Environmental Health have advised that the frequent exceedances of maximum noise levels during the night for Plots 77-86 are far from ideal and can be attributed to the poor compatibility between residential and industrial uses as proposed in this scheme. However, they advise that the Noise Assessments demonstrate that even Plots 77-86 will be broadly compliant with their stipulated noise criteria. As a result, Environmental Health have advised that they can no longer maintain their objection.

Based on the advice from Environmental Health, a refusal of planning permission would not be justified on "technical" noise grounds. However, it is still necessary to assess whether the proposed juxtaposition of existing and proposed uses is appropriate in planning terms. As a general rule, it would normally be considered undesirable to have housing in close proximity to noisy industrial premises such as Bellagio Stone. This matter also requires particularly careful assessment in



the current case due to the history of noise complaints associated with the business in question.

Bellagio Stone previously occupied premises elsewhere on Sydenham Industrial Estate, at Units 6 and 7 St. Mary's Road. That resulted in noise complaints from nearby residents. Environmental Health issued a Noise Abatement Notice. Also, as those premises only had planning permission for light industrial use (Use Class B1), the Council took planning enforcement action to require them to vacate that site in 2009. As a result, they relocated to their current premises, which had the necessary planning permission for general industrial use and is situated further away from dwellings.

Bellagio Stone have objected to the current application. Their concerns are summarised in the "Summary of Representations" section above. This includes concerns about the impact of noise from their operation on future residents and concerns about the restrictions that would be imposed on the operation of their business due to dwellings being constructed so close.

The relationship between the proposed development and the Magnet premises is also not ideal, with the application site boundary adjoining three sides of the Magnet site as well as continuing on the opposite side of Ramsey Road. The proposed layout shows dwellings adjoining the southern and eastern boundaries of the Magnet site and further dwellings facing Magnet from the opposite side of Ramsey Road. However, the Noise Assessment indicates that Magnet generates much less noise than Bellagio Stone and so noise itself is less of an issue. That is to be expected given that Magnet is a warehouse use (Use Class B8), rather than general industrial (Use Class B2). Nevertheless, deliveries and commercial activities associated with Magnet still have the potential to be intrusive in close proximity to the proposed dwellings.

Ideally the redevelopment of this area would come forward in a comprehensive manner. This would avoid potentially awkward relationships between industrial and residential premises. However, the applicant advises that this is not possible in the current case. The application relates to the extent of land that the applicant has been able to assemble, resulting in the rather convoluted site boundary "wrapping around" the Magnet site and abutting the Bellagio Stone site. The applicant advises that approaches have been made to adjoining occupiers in an attempt to facilitate a comprehensive redevelopment, but these have been unsuccessful. In fact, Magnet has recently signed a new 10 year lease on their premises. As a result, the applicant's argument is that a refusal of planning permission would not facilitate the comprehensive redevelopment of the area, it would merely result in the application site remaining vacant and the opportunity to secure a substantial amount of affordable housing would be missed.

This brings us to the crux of this issue. The issue turns on a balance between the negative aspects associated with this being a rather piecemeal development, balanced against the benefits of securing a substantial amount of affordable housing. This balancing exercise must be undertaken against the backdrop of a lack of a five year supply of housing land and a significant unmet need for affordable housing. In such circumstances, paragraph 14 of the NPPF dictates that there should be a presumption in favour of sustainable development.

However, it is important to remember here that meeting housing needs is just one aspect of sustainable development. Creating a satisfactory living environment is also an aspect of sustainable development, as is the promotion of economic development and supporting existing businesses. Therefore the judgement cannot be that the provision of affordable housing inevitably outweighs all other factors.

Nevertheless, the provision of a substantial amount of affordable housing is a significant benefit that weighs heavily in favour of granting permission. This benefit is of particular significance because it assists in meeting one of the Council's key priorities, the provision of affordable housing, as reflected in the current Local Plan and the Draft Local Plan. The land ownership issues represent a major barrier to achieving a comprehensive redevelopment at the present time. However, it may well be that granting planning permission for the current scheme would act as a catalyst for the other sites coming forward for redevelopment.

It is understood that Bellagio Stone's current lease expires in October 2017. Whilst land ownership and private leases are not strictly relevant to the assessment of planning applications, this does give an indication that the particular noise issues associated with that site may not continue in the medium / long term. It is important to remember that the Bellagio Stone unit has an unrestricted general industrial planning permission and therefore, even if the current occupier vacated the site, there would be nothing to stop a similarly noisy business occupying the premises in future. Nevertheless, any future prospective occupier of that unit would be aware of the close proximity of the new dwellings when they decide whether to occupy the premises. Similarly, Bellagio Stone would be aware of the situation when deciding whether to extend their lease.

This is not to diminish in any way the potential impact on Bellagio Stone's business or the disruption that a relocation would cause (to the business and their 30 employees). However, this must be considered in the context of a situation where Environmental Health advise that the proposed dwellings would meet their noise standards based on the existing operation of Bellagio Stone.

Separate from the planning process, the Council is exploring options to assist Bellagio Stone in relocating, recognising that they are a successful business that should be supported. The applicant has proposed a compromise whereby the occupation of the 10 dwellings immediately opposite Bellagio Stone will be delayed until after their current lease expires. This would enable Bellagio Stone to consider whether to seek alternative premises at the end of their lease, recognising that the technical noise information demonstrates that there should not be a problem if they choose to stay. Such a restriction would at least avoid a situation where Bellagio Stone would have these most sensitive dwellings imposed upon them whilst they are tied to their current lease. A condition could secure this restriction, although it would be more appropriate for this to restrict the occupation of plots 70-86 (i.e. 17 dwellings) to ensure that this covers all of the units where the WHO maximum noise levels are likely to be exceeded on occasions during the night.

Drawing all of the above considerations together, it is apparent that this is not an easy decision to make because it involves two key Council priorities, promoting economic development and delivering affordable housing, which in this case are competing objectives. However, it is considered that the results of the Noise Assessments (demonstrating compliance with the relevant noise standards) and the lack of objection from Environmental Health tip the balance in favour of granting planning permission and securing this much needed affordable housing. As a result, these benefits are considered to outweigh any more general concerns about the living environment for future occupants of the proposed dwellings.

### **Impact on the character and appearance of the area and the setting of the nearby Conservation Area**

The fact that the site does not include the Magnet unit has a negative impact on the proposed layout. With the site "wrapping around" the Magnet unit, this will inevitably result in those premises appearing as a rather incongruous island of commercial development in the middle of a residential neighbourhood. However, for the reasons rehearsed earlier in this report, the applicant has been unable to assemble all the land required for a comprehensive development. Whilst a layout that retains the Magnet unit is not considered to be ideal in design terms, it is considered that this is outweighed by the significant benefits associated with the provision of a substantial amount of affordable housing.

In other respects the layout has been amended to provide a layout that is to an appropriate standard of design. As amended, the layout shows houses largely fronting onto the streets around and within the development as well as the canal. The design of the houses is appropriate for this location and is in keeping with surrounding development.

The proposals would represent a significant improvement in the environment alongside the canal. At present the hard surfaced yard areas of the industrial premises are hard up against the boundary with the canal. In contrast, the proposed layout shows public open space alongside the canal. All of the existing trees along the boundary with the canal are proposed to be retained.

Objectors have raised concerns about the impact of the development on the setting of the Leamington Spa Conservation Area. However, the site is separated from the Conservation Area by the canal and the associated trees along its bank. Furthermore, a large part of the development adjacent to the canal would comprise open space. Therefore the development would not have a significant visual impact on the Conservation Area. In fact, compared with the existing industrial buildings, the proposals would enhance the setting of the Conservation Area.

### **Car parking and highway safety**

The proposed car parking provision accords with the Council's Parking Standards. Therefore the proposals will not cause unacceptable overflow parking on surrounding streets.

Turning to highway safety, it is noted that local residents have raised concerns about increased traffic as a result of the proposed development. However, the Highway Authority have confirmed that there would in fact be a reduction in traffic compared with the existing lawful use of the site (if fully occupied). Consequently there are no grounds for requiring any highway mitigation measures as a condition of this development. The proposed layout has been amended to address any concerns that the Highway Authority may have had. Therefore the proposals are considered to be acceptable from a highway safety point of view.

### **The mix of market and affordable housing**

The scheme will provide well in excess of 40% affordable housing and consequently the proposals are in accordance with Local Plan Policy SC11. In terms of the mix of housing, the layout has been amended to ensure a reasonable spread of affordable and market units across the site.

Objectors have raised concerns about the mix of housing proposed and in particular the amount of affordable housing (i.e. too much) and the predominance of low cost market housing. However, the proposed mix is considered to be appropriate for this location, for the reasons stated below.

Looking first at the market units, the Council's Guidance on the Mix of Market Housing identifies the greatest need as being for smaller (2 and 3 bedroom) houses with gardens. The market housing proposed in the current application includes predominantly that type of housing. The Council has no policies that require larger market dwellings.

Turning to the affordable housing, it is true that there are some limited concentrations of affordable housing not too far from the application site, notably around the Fallow Hill flats on the opposite side of Sydenham Drive. However, looking at the wider area, there is a reasonable mix of tenures. It is also important to note that the affordable housing proposed for the application site comprises affordable rented units and shared ownership units. This would serve to broaden the mix of affordable housing units in the locality, which currently comprises predominantly social rented units. Therefore the proposals would not create a harmful over-concentration of affordable housing in this locality.

### **Section 106 contributions**

Consultees have requested various contributions towards community facilities, including hospitals, education facilities and measures to promote sustainable travel. However, the applicant has argued that these contributions would render the scheme unviable because they are reliant on grant funding to finance the development. The applicant has submitted a viability appraisal in support of their case.

The Council appointed consultants to review the applicant's appraisal. The Council's consultants have confirmed that the applicant's viability case is robust and that the payment of any Section 106 contributions would render the scheme unviable.

## **Public open space**

The application proposes to create an area of public open space alongside the canal. In total this would amount to an area of approximately 0.5 hectare. This would be short of the amount of public open space that is required by the Council's Open Space Supplementary Planning Document (1.9 hectares). Due to the viability issues that have been referred to previously, an off-site contribution to compensate for this under-provision is not feasible. Furthermore, increasing the amount of public open space on site would further adversely affect viability. It is also of note that there are a number of existing public open spaces not too far from the application site. Therefore, considering the significant benefits associated with the provision of a substantial amount of affordable housing, together with the viability issue, it is considered that the open space provision is acceptable in this case.

The Town Council have requested the provision of allotments. However, given the limited amount of open space and its configuration, the provision of allotments would not be practical on this site. There are substantial existing allotments a short distance away on Radford Road.

## **Impact on trees**

The application proposes to retain all of the significant trees around the site. The most important of these are those trees along the boundary with the canal. In terms of the impact of the development on these trees, the Council's Tree Officer has raised no objection to the application. Therefore it is considered that the development would not harm the health of the retained trees, including those within the highway verge in St. Mary's Road and Sydenham Drive.

## **Ecological impact**

An Ecological Survey report was submitted with the application. WCC Ecology have accepted the findings of this report and have advised that the proposals would have an acceptable ecological impact, provided conditions are put in place to impose certain safeguards.

The site is adjacent to Ecosite 22/36 and the Grand Union Canal potential Local Wildlife Site. Therefore, one of the safeguards recommended by WCC Ecology is that the development is set back at least 8m from the canal. This is achieved with the revised layout, with this area being protected as part of the public open space.

## **Health and Well-being**

The proposals would provide affordable housing for people in housing need. This is a significant benefit that contributes to health and well-being.

## **Impact on existing occupiers on the application site**

Some of the existing premises on the application site remain occupied. This includes a variety of occupiers using premises for storage, for car sales, as a

haulage yard and for charitable purposes. Whilst only some of these occupiers would meet the definition of "employment" uses in planning terms (i.e. use classes B1, B2 and B8), most of them employ staff on site. The relocation of these occupiers is regrettable, but the applicant advises that they are all on short term leases that have either already expired or will expire this year. Consequently they should all have been aware of the likelihood of having to vacate the site in the near future.

Two of the existing occupiers have requested financial assistance with relocating. These are two of the charities / not-for-profit organisations, Agenda 21 and Greengeek Ltd. However, aside from the fact that the viability of the development is already marginal, there are no legitimate planning grounds for requiring the applicant to provide assistance, particularly considering the short-term nature of the leases. Furthermore, according to the applicant, Agenda 21 have been permitted to occupy the site on a grace and favour basis. In those circumstances it would be particularly unreasonable to then expect the site owner to pay for their relocation. In addition, the applicant has advised that the other occupier that has requested relocation assistance, Greengeek Ltd, is an illegal sub-tenant.

### **Other Matters**

With regard to the issue of contamination, a phase 1 and 2 risk assessment of the site has been undertaken by the applicant. This has identified some potential pollutant linkages which require further detailed investigation and/or remedial action. Environmental Health have recommended a condition to require this work to be undertaken.

Environmental Health have advised that the scheme should include measures to mitigate the impact of the development on air quality. A condition is recommended to deal with this issue.

Objectors have raised concerns about construction noise. In accordance with the advice of Environmental Health, a condition is recommended to require the submission of a Construction Management Plan to address this issue.

There has been no objection from the Canal and River Trust, subject to certain conditions being imposed. Therefore it is considered that the proposals would have an acceptable impact on the adjacent canal.

The bin stores for the proposed flats have been increased in size in accordance with the recommendations of the Council's Waste Management team. The layout of the development is now considered to be acceptable from a Waste Management point of view.

The other issues raised by objectors have also been carefully considered, including the concerns about flood risk, pollution of the canal and increased traffic. However, none of these other issues would justify a refusal of planning permission.

## **SUMMARY/CONCLUSION**

The redevelopment of this part of the industrial estate for residential purposes is considered to be acceptable in principle, in accordance with the 2013 Employment Land Review and the Draft Local Plan. The proposals would have an acceptable impact on the living conditions of neighbouring dwellings and on the character and appearance of the area and the setting of the nearby Conservation Area. Any concerns about the living environment for future occupants of the proposed dwellings or the impact on existing businesses adjacent to the site are outweighed by the significant benefits associated with the provision of a substantial amount of affordable housing. The restrictions on occupying some of the dwellings will also provide some assistance with this issue in the short term. The benefits of the scheme also outweigh any concerns about the under-provision of public open space. The proposed layout shows an appropriate spread and mix of affordable and market housing and it has been demonstrated that the provision of any form of Section 106 contributions would render the scheme unviable. The proposals are considered to be acceptable in terms of car parking, highway safety, ecological impact and in terms of the impact on trees. Finally a refusal of planning permission cannot be justified on the grounds of the relocation of existing short term tenants from the application site. Therefore it is recommended that planning permission is granted.

## **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 application form, site location plan and approved drawing(s) 2894-25U, 2894-29E, 2894-30B, 2894-31A, 2894-32A, 2894-33A, 2894-34A, 2894-35A, 2894-36A, 2894-37A, 2894-38C, 2894-39C, 2894-40B, 2894-43 & 2894-44, and specification contained therein, submitted on 25 July 2014 & 30 October 2014.  
**REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 No development shall commence until details of surface and foul water drainage have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with such approved details. **REASON:** To ensure that adequate drainage facilities are available and to minimise flood risk, in accordance with the National Planning Policy Framework and Policy DP11 of the Warwick District Local Plan 1996-2011.
- 4 No development or other operations (including demolition, site clearance or other preparatory works) shall be commenced unless and until adequate steps, which shall have been previously approved in writing by the local planning authority, have been taken to safeguard

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

- 5 The development shall not begin until a scheme detailing the affordable housing provisions has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:
- the tenure split;
  - (a) the arrangements for the management of the affordable housing;
  - (b) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
  - (c) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

**REASON :** To meet the requirements of Policy SC11 of the Warwick District Local Plan 1996-2011.

- 6 The development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the District Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the District Planning Authority.  
**REASON :** In the interests of fire safety.
- 7 No development shall commence until a detailed lighting scheme for the site has been submitted to and agreed in writing by the local planning authority. In discharging this condition the local planning authority expects lighting to be restricted around the boundary edges, particularly along hedgerows, where protected species are likely to be found, and to



be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife. This could be achieved in the following ways:

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

No lighting shall be installed other than in strict accordance with the scheme approved under this condition. The lighting shall be maintained and operated in strict accordance with the approved scheme at all times thereafter.

**REASON:** To ensure that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties and to ensure that appropriate measures are taken in relation to protected species in accordance with Policies DP2, DP3, DP9 and DAP3 of the Warwick District Local Plan 1996-2011.

- 8 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the District Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

- 1) A preliminary risk assessment which has identified:

(d) all previous uses

- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the

District Planning Authority. The scheme shall be implemented strictly as approved.

**REASON** : To ensure the protection of controlled waters and to prevent pollution in accordance with Policy DP9 in the Warwick District Local Plan 1996-2011.

- 9 No development shall commence until a Low Emission Strategy has been submitted to and approved in writing by the local planning authority. The Low Emission Strategy shall thereafter be implemented in strict accordance with the approved details. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development, in accordance with Policy DP9 of the Warwick District Local Plan and the aims and objectives of national guidance within the NPPF 2012.
- 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 the roof of the office building to the rear of Building 7 (as annotated in the Ecological Surveys report produced by Crestwood Environmental Ltd and dated 18 December 2013). All roofing material on this building 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 shall be implemented within the timescales agreed between the bat worker and the Warwickshire County Council Ecology / 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 DAP3 of the Warwick District Local Plan 1996-2011.
- 11 No development shall commence until a scheme detailing arrangements to protect residents of the development from excessive traffic noise entering habitable rooms and the provision of quiet garden areas shielded from road noise has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details and shall be retained at all times thereafter. **REASON:** To protect residents of the development from the adverse effects of traffic noise from outside the development in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.
- 12 No development shall take place until details of the design, appearance and exact location of the proposed bollards/barriers to prevent vehicles entering the canal have first been submitted to and agreed in writing by the local planning authority. This shall include details of the timing of

installation of the bollards/barriers. The bollards/barriers shall be installed in strict accordance with the approved details and timescales and shall be retained at all times thereafter. **REASON :** To ensure the provision of suitably designed barriers in the interests of safety and to protect users on the canal, the integrity of the canal infrastructure and to prevent a detrimental impact on the appearance of the canal, in accordance with Policy DP1 of Warwick District Local Plan.

- 13 The development shall not begin until a scheme detailing the laying out and future management of the public open space within the site has been submitted to and approved in writing by the local planning authority. The public open space shall be laid out and maintained in accordance with the approved scheme. The scheme shall include:

(a) arrangements for the future management and maintenance of the public open space; and

(b) details of how public access will be provided to the public open space in perpetuity.

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

- 14 The development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which shall have been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for: the anticipated movements of vehicles; the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction; measures to limit noise and disturbance; a construction phasing plan; and a HGV routing plan.

**REASON:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies DP2, DP6, DP8 & DP9 of the Warwick District Local Plan 1996-2011.

- 15 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the District Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. **REASON :** To ensure preferential pathways are not created to mobilise contaminants into the underlying groundwater, in accordance with the Policy DP9 in the Warwick District Local Plan 1996-2011.

- 16 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the

Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details. **REASON :** To protect Controlled Waters and linked receptors, in accordance with Policy DP9 of the Warwick District Local Plan.

- 17 The development shall be carried out in accordance with the Flood Risk Assessment ref. C6247-01 Rev A by Couch Consulting Engineers that was submitted on 25 July 2014. **REASON :** To minimise the risk of flooding on site and elsewhere, in accordance with the National Planning Policy Framework.
- 18 The development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which shall have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.
- 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 without the written consent of the local planning authority. Any tree(s) or shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with tree(s) and shrub(s) of such size and species details of which must be submitted to and approved by the local planning authority. All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces). **REASON:** To protect those trees and shrubs which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests

of the visual amenities of the area in accordance with Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011.

- 20 The development shall be carried out only in full accordance with sample details of all facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.
- 21 The development hereby permitted shall be built to Code for Sustainable Homes Level 3. **REASON :** Since the application has been approved without 10% renewable energy production on the basis that the development is built to Code for Sustainable Homes Level 3, in accordance with the requirements of Local Plan Policy DP13.
- 22 None of the flats hereby permitted shall be occupied until the bin store for that flat has been constructed in strict accordance with the approved plans. The bin stores shall be retained and kept available for the storage of refuse and recycling at all times thereafter. **REASON :** To protect the amenities of occupiers of the site and the character and appearance of the locality, in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 23 None of the flats hereby permitted shall be occupied until the cycle parking provision for that flat has been constructed in strict accordance with the approved plans. The cycle stores shall thereafter be kept free of obstruction and be available at all times for the parking of cycles associated with the development. **REASON :** To ensure that there are adequate cycle parking facilities to serve the development, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011.
- 24 The dwellings hereby permitted shall be designed and constructed to ensure that internal noise levels do not exceed the following levels between 0700 hours and 2300 hours:
- 35 dB LAeq,16hour within living rooms;
  - 40 dB LAeq,16hour within dining rooms; and
  - 35 dB LAeq,16hour within bedrooms.

The dwellings hereby permitted shall be designed and constructed to ensure that internal noise levels do not exceed the following levels between 2300 hours and 0700 hours:

- 30dB LAeq,8hour within bedrooms, with the maximum instantaneous noise level not exceeding 45dB L<sub>Amax</sub>,fast (Night-time L<sub>Amax</sub> as prescribed by WHO Guidelines for Community Noise, 1999).

The external noise level in all private gardens of the dwellings hereby permitted shall not exceed 50dB LAeq,t between 0700 hours and 2300

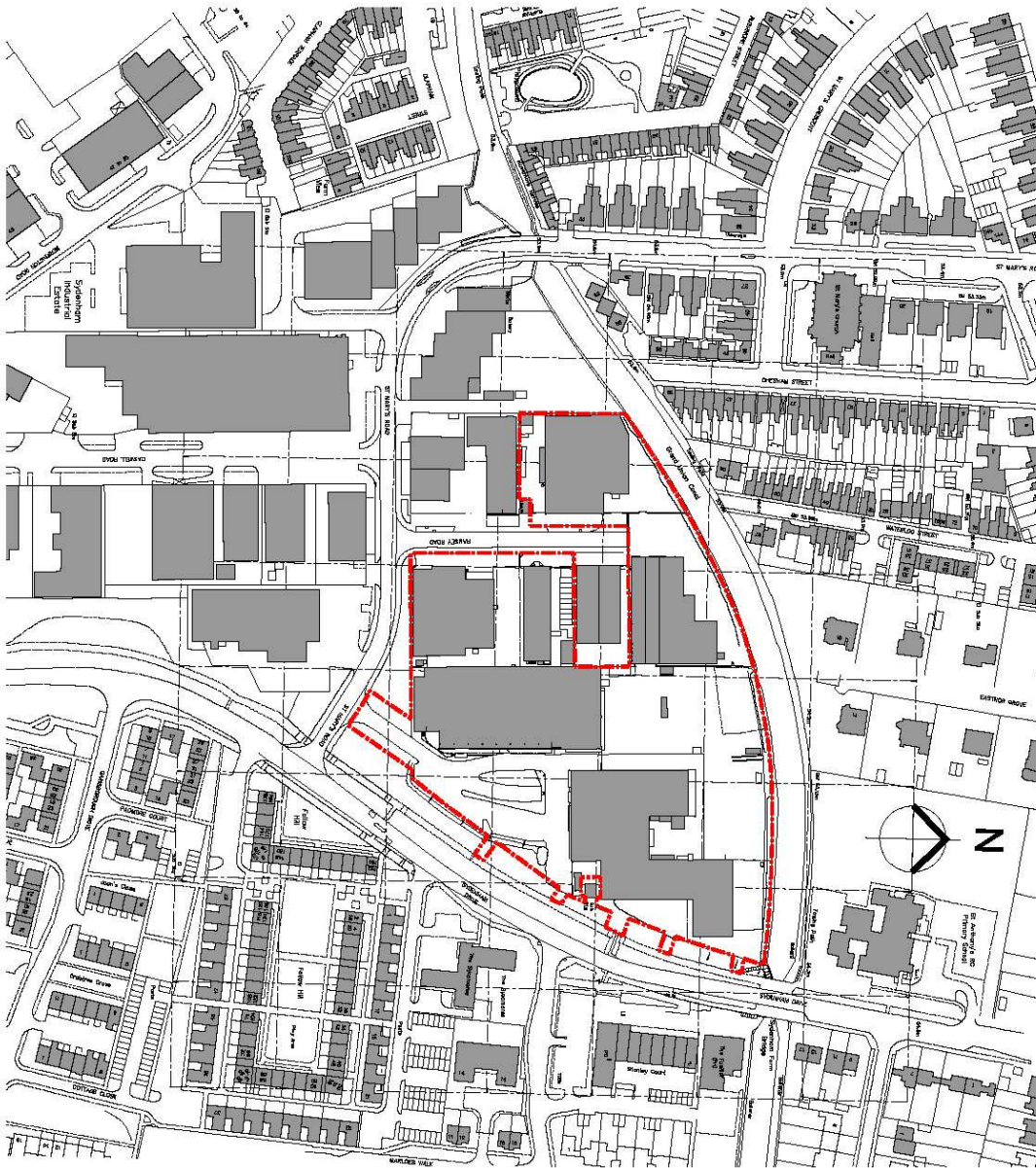
hours.

**REASON:** To provide a satisfactory living environment for future occupants of the proposed dwellings, in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

- 25 Best practicable means shall be employed at all times to control noise and dust on the site. Work which is likely to give rise to noise nuisance shall not take place before 0730 hours or after 1700 hours on Mondays to Fridays or before 0730 hours or after 1300 hours on Saturdays. No construction work shall take place on Sundays or Bank Holidays. Delivery vehicles shall not be permitted to arrive on site before 0800 hours or after 1630 hours on Mondays to Fridays or before 0800 hours or after 1300 hours on Saturdays. No deliveries shall be permitted to arrive on site on Sundays or Bank Holidays. **REASON :** To protect the living conditions of nearby residents, in accordance with Policies DP2 and DP9 of the Warwick District Local Plan.
- 26 The dwellings on plots 70-86 shall not be occupied before 1 November 2017. **REASON :** To allow Bellagio Stone time to consider whether they wish to relocate from their current premises.
- 27 None of the dwellings hereby permitted shall be occupied until the car parking and manoeuvring areas indicated on the approved drawings for that dwelling have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **REASON:** To ensure that a satisfactory provision of off-street car parking and turning facilities are maintained at all times in the interests of the free flow of traffic and highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011.
- 28 Prior to the occupation of the dwellings on plots 23, 34, 66, 69 & 97, the first floor windows in the side elevations shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view. The obscured glazed windows shall be retained and maintained in that condition at all times. **REASON :** To protect the privacy of users and occupiers of nearby properties and the privacy of future users and occupiers of the development hereby permitted and to satisfy the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011.
- 29 No heavy goods vehicles shall be permitted to enter or leave the site between 0700 hours and 0930 hours or between 1500 hours and 1700 hours on Mondays to Fridays. **REASON :** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan.
- 30 None of the dwellings hereby permitted shall be occupied until a Green Travel Plan to promote sustainable travel to and from the site has been submitted to and approved in writing by the local planning authority. The approved Green Travel Plan shall thereafter be implemented in full and shall not be withdrawn or amended in any way without the prior

written approval of the local planning authority. **REASON:** In the interest of encouraging the use of alternative modes of transport with the aim of creating a more sustainable development in accordance with Policies SC12 & SC4 of the Warwick District Local Plan 1996-2011.

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1. PLAN SHEET	2. SHEET NO.	3. TOTAL SHEETS
1. PRELIMINARY	2. 02	3. 02
REV. DESCRIPTION	DATE	BY
DATE	BY	REVISION
MARCH 2014	NJ	B
PROJECT NO. 2894-24		

**Deeley Group**

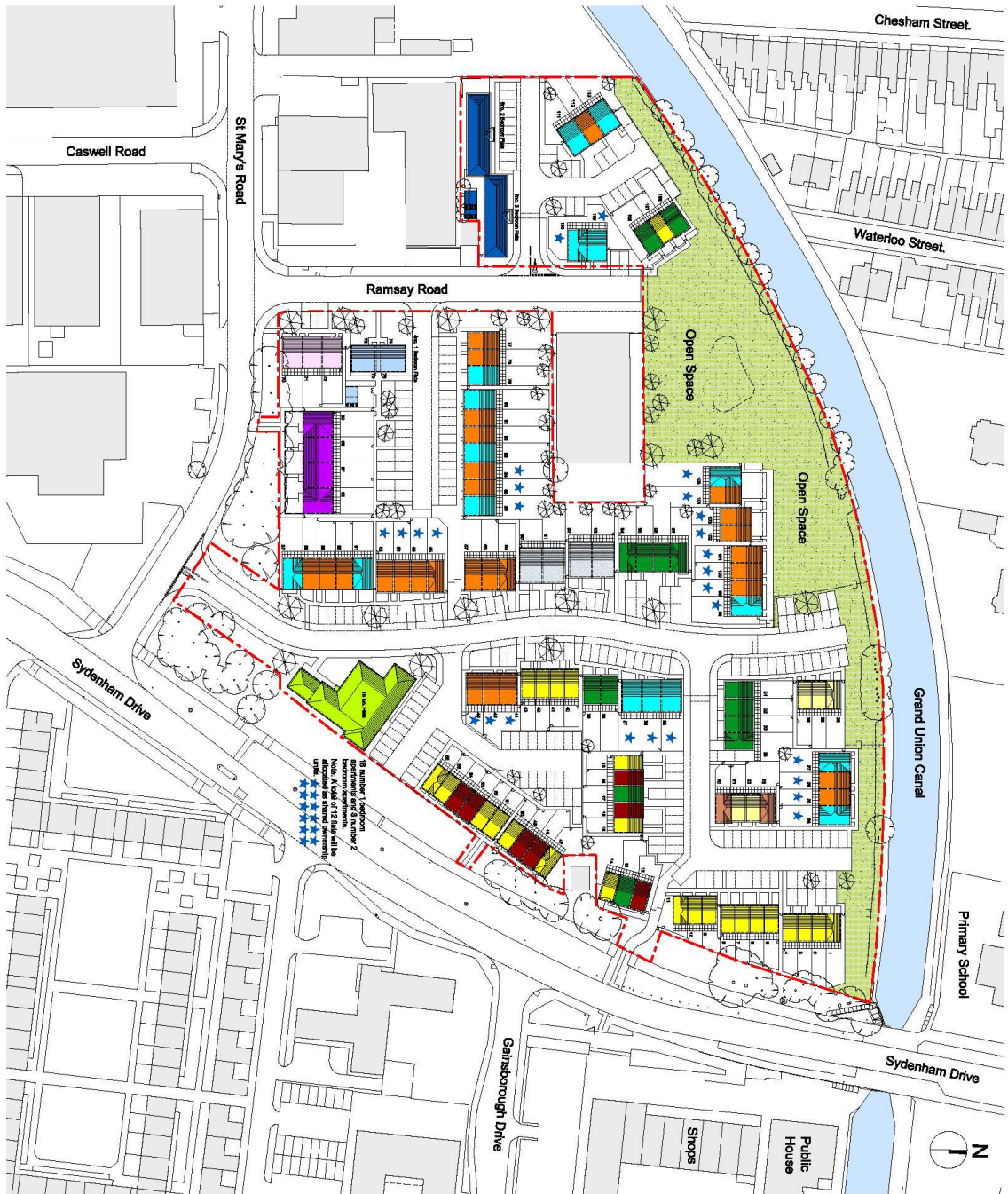
**colophon**

**PROJECT TITLE**  
 RESIDENTIAL DEVELOPMENT  
 SYDENHAM DRIVE  
 SYDENHAM, LEANINGTON SPA

**DATE** 11/2010  
**BY** A2  
**REVISION** SH

**DATE** MARCH 2014  
**BY** NJ  
**REVISION** B





Attainable Units:		No.
Type A	28	28
Type B	17	17
Type C	4	4
Studio	4	4
Block A	12	12
Block B	12	12
Block C	4	4
Block D	5	5
Block E	2	2
* Shared Ownership (98 units)		
Sub total:		88
Low Cost Market Units:		
Type A	7	7
Type B	25	25
Type C	7	7
Studio	14	14
Block A	8	8
Block B	3	3
Sub total:		55
Total:		143

**Areas:** 58m Area: 28653 m<sup>2</sup> (62,83 ha)  
Open space: 6000 m<sup>2</sup> (0,006 ha)

**Deeley Group**

**robotbarons**

**PROJECT TITLE**  
RESIDENTIAL DEVELOPMENT  
SYDENHAM DRIVE,  
SYDENHAM, LEWISHAM SPA

**DRAWING TITLE**  
ACCOMMODATION SITE PLAN

**STATUS** PLANNING

**SCALE** 1:500

**DATE** March 2013

**DRAWN BY** A1

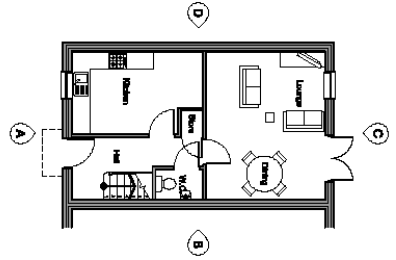
**CHECKED BY** SH

**DESIGNED BY** NJ

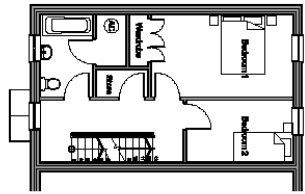
**REVISION** U

**DRAWING NO** 2894-25

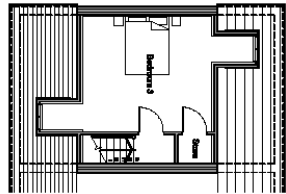
# HOUSE - TYPE D



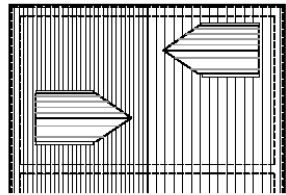
Ground Floor Plan



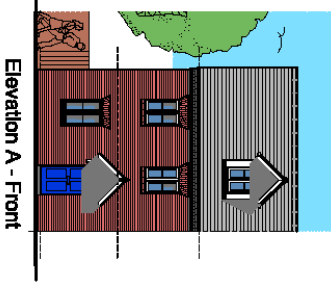
First Floor Plan



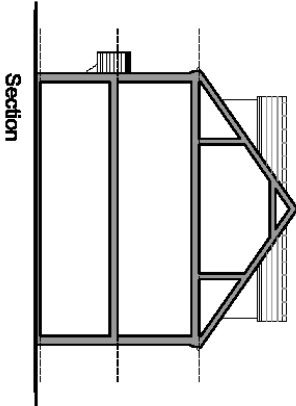
Second Floor Plan



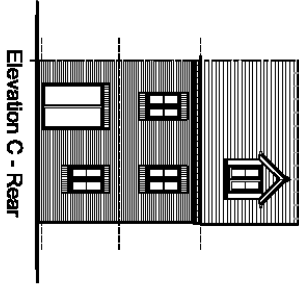
Roof Plan



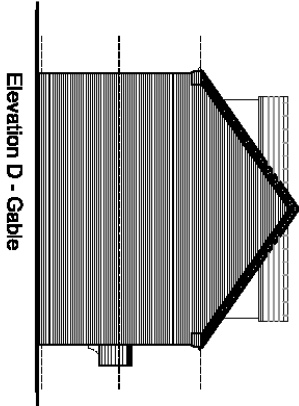
Elevation A - Front



Section

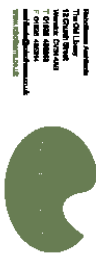


Elevation C - Rear



Elevation D - Gable

Notes:  
Gross Internal Area - 1081.1m<sup>2</sup>



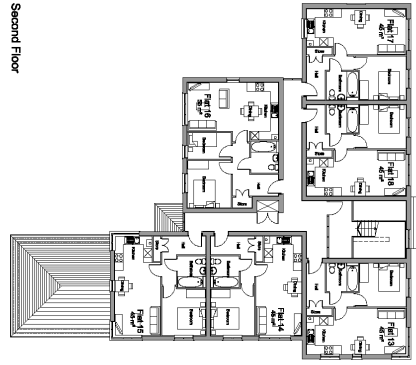
**Deeley Group**

10001 Leamington Spa  
10002 Leamington Spa  
10003 Leamington Spa  
10004 Leamington Spa  
10005 Leamington Spa  
10006 Leamington Spa  
10007 Leamington Spa  
10008 Leamington Spa  
10009 Leamington Spa  
10010 Leamington Spa

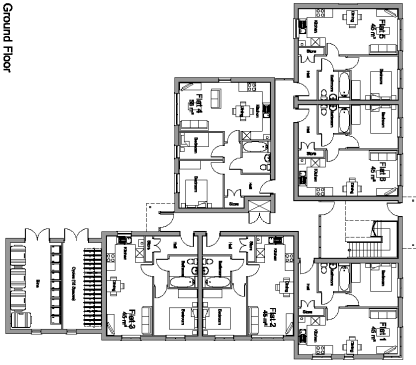
PROJECT TITLE  
RESIDENTIAL DEVELOPMENT  
SYDENHAM DRIVE  
SYDENHAM, LEAMINGTON SPA  
DRAWING TITLE  
HOUSE - TYPE D  
3 Bed - 5 Person

ROUTE PLANNING			
SCALE	1:100	SHEET	A2
DATE	Sept 2014	DRAWN	WJT
		CHECKED	DJS
DWG NO.	2894-43	REVISION	

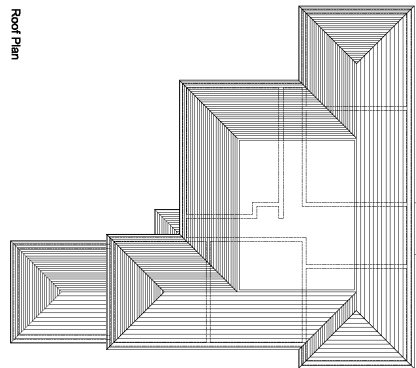
FLAT - TYPE A



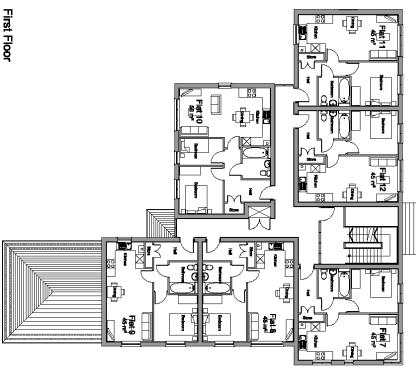
Second Floor



Ground Floor



Roof Plan



First Floor

NOTES:  
 1. No. 1 Bed Flats with Green Internal Area 'Per' Plan - 46.00sqm  
 2. No. 2 Bed Flats with Green Internal Area 'Per' Plan - 68.00sqm

<b>Deedley Group</b> Residential Development Strategic Planning 11th Floor, 11th Avenue London, E1 1AA		<b>Roboforms</b> Residential Development Strategic Planning 11th Floor, 11th Avenue London, E1 1AA	
<b>PROJECT TITLE</b> RESIDENTIAL DEVELOPMENT STRATEGIC PLANNING STRONGHOLD LONDON SPA		<b>PROJECT NO.</b> FLAT - TYPE A - SHEET 022 15/06/2018	
<b>DATE</b> 15/06/2018		<b>SCALE</b> 1:100	
<b>DESIGNER</b> DEEDLEY GROUP		<b>CHECKED BY</b> [Signature]	
<b>DATE</b> 15/06/2018		<b>SCALE</b> 1:100	
<b>PROJECT NO.</b> FLAT - TYPE A - SHEET 022		<b>PROJECT TITLE</b> RESIDENTIAL DEVELOPMENT STRATEGIC PLANNING STRONGHOLD LONDON SPA	
<b>PROJECT NO.</b> FLAT - TYPE A - SHEET 022		<b>PROJECT TITLE</b> RESIDENTIAL DEVELOPMENT STRATEGIC PLANNING STRONGHOLD LONDON SPA	

**Planning Committee:** 11 November 2014

**Item Number: 8**

**Application No:** [W/14/1138](#)

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

**Registration Date:** 04/09/14  
**Expiry Date:** 04/12/14

**St Nicholas Park, Banbury Road, Warwick, CV34 4QY**

Demolition of existing headquarters building and erection of replacement headquarters building with additional boathouse, boat yard and slipway FOR 2nd Warwick Sea Scouts

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The application is being presented to Planning Committee as Warwick District Council have an interest in the land and also due to an objection from the Town Council.

**RECOMMENDATION**

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

**DETAILS OF THE DEVELOPMENT**

The application is for the demolition of the existing Sea Scouts Headquarters building (currently located adjacent to the River) and the erection of a new replacement headquarters building adjacent to the existing leisure centre. On the site of the old headquarters building, the proposal is to relocate the existing boat house which is currently on Myton Fields.

**THE SITE AND ITS LOCATION**

The application sites are located within the grounds of Saint Nicholas's park, located off the Banbury Road with the river Avon to the south.

The new boat house building is to be located at the eastern extremity of the park, on the banks of the River Avon adjacent to the Millennium Bridge and footpath and adjacent to the residential properties located within Pickard Street. The new building will be located west of the existing building abutting the copse of early mature and mature trees. There are seven trees within the copse, 5 of which will require removal. The loss of these trees is mitigated by the proposal to increase the size of the copse through the planting of native broad leaved trees at a ratio of 4:1.

The new headquarters building will be located to the rear of the Leisure Centre, which currently forms part of the skate board park. There are 22 trees within this area. 15 mature trees that are presently growing across the centre of the

site to the north of the skate park will be required to be removed as part of this proposal.

## **PLANNING HISTORY**

There is a lengthy planning history relating to the Park, none of which is directly relevant to the consideration of this application.

## **RELEVANT POLICIES**

### The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
- DP15 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011)

### The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS1 - Protecting Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

#### Guidance Documents

- National Planning Policy Framework
- Sustainable Buildings (Supplementary Planning Document - December 2008)

### **SUMMARY OF REPRESENTATIONS**

**Warwick Town Council:** The Town Council consider that the Planning Committee should undertake a site visit, with particular regard to the siting of the boatyard, which in the proposed location will be detrimentally unacceptable to the visual amenities of residents and visitors of the park. A re-design of the building would allow the boatyard to be screened by the new headquarters building, which could be designed to leave a courtyard within which the boatyard would be located. If such an option is not possible, then the boatyard needs to be screened by a much more sympathetic security fencing option such as a paladin with a requirement for the developer to undertake an approved planting scheme which would be visually acceptable and for the planting to be maintained to protect the visual amenities of the residents and car park users.

**English Heritage:** No objection

**Environment Agency:** No objection due to the proposed boathouse being a water compatible building which has been built to allow water to flow in and out of it in times of flooding.

**WCC Ecology:** A protected species survey report was submitted. No evidence of bats was found during the inspection survey. No objection to the demolition of the building, subject to conditions requiring the works to be carried out in accordance with the detailed mitigation measures contained within the survey report.

**Environmental Health:** No objection, subject to conditions requiring a construction management and demolition plan including a restriction of time limits of construction and demolition to protect the amenity of the neighbouring properties and users of the park.

**WCC Public Rights of Way:** No objection as there are no public rights of way across the park.

**Public Response:** 69 letters of support have been received in relation to the benefit to the sea scouts being able to upgrade and increasing their facilities. 4 objections have been received regarding the siting of the new boat house and the use of security fencing; the design of the boat house building and yard the impact on the residents by people parking within the nearest residential streets and traffic generation causing noise and disturbance.

## **ASSESSMENT**

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

- The impact on the character and appearance of the area / Conservation
- The impact on neighbouring properties
- The impact on trees
- Car parking and highway safety
- Ecology
- Renewables
- Flooding
- Other matters

### **Impact on the character and appearance of the area/ Conservation**

The proposed new headquarters building will be located adjacent to the existing leisure complex on the existing skate park, and therefore will be read against the existing buildings. The Skate park and BMX facilities will be re-modelled and located on the site of the current BMX area. The headquarters building will be two storey and therefore no higher than the existing leisure complex. It will have facing brick work to the ground floor elevation with powder coated insulated metal panel rain screen to the upper level. The colour and type of brick work can be conditioned. The Council's Conservation Officer and English Heritage have raised no objections to the proposed headquarters building and therefore it is considered that the proposed building will not appear as an incongruous addition within St Nicholas's Park

With regard to the new boat house building, this will replace the existing headquarters building on the banks of the River Avon to the eastern side of the park. The existing building on the site is two storey in height with metal sheeting to the roof and timber cladded elevations and is situated approximately 9 metres from the nearest property within Pickard Street.

The new boat house will be located to the west of the existing building within part of the copse, with the new boat yard occupying the location of the existing building.

The comments from the Town Council and residents of Pickard Street with regards to moving the boat house to be located on the same spot as the existing building and having the boat yard to the west are noted. However, there is a storm sewer running under the existing hut which means any new building would have to be positioned a minimum of 5 metres from its line, or the sewer would need to be re-routed. If the new boat house building was positioned 5 metres west of the sewer line it would have a severe impact on the trees in the existing copse. If the building was positioned 5 metres to the east of the sewer line the building would extend over the footpath / cycle way. A rough estimate of moving the sewer is in the region of £43,000 and there is no guarantee that Severn Trent would allow it to be moved. It is therefore considered, on balance, that the siting as proposed is the most suitable. It is also noted that the positioning of the new building was considered during the consultation with the Friends of St Nicholas Park.

The boat house building will be two story with powder coated metal to the upper floors with facing brick work to the ground floor. The proposal also includes the erection of security fencing. Residents have questioned the need for the security fencing. The Sea Scouts require a secure area to store the boats and to protect the boats against theft, unauthorized use and vandalism as the new riverside facility will provide a single base for all the sea scouts water based activities and the boats currently stored at the old sailing club in Myton Fields will be stored at the new boat yard. The details of the proposed fencing have not been submitted, however, this can be controlled by a suitably worded condition in association with Neighbourhood Services, Health and Community Protection and the Council's Conservation Officer to ensure the best possible compromise between security and conservation is achieved.

### **The impact on neighbouring properties**

The proposed new headquarters building located adjacent to the leisure centre does not have any immediate neighbours. The site backs onto Coten End Primary School and is 70 metres from the nearest properties in William Tarver Close.

The proposed new boat house and boat yard on the banks of the River Avon replaces an existing two storey building and is moved a further 5 metres to the west away from the nearest properties within Pickard Street. The nearest property is located slightly further to the north and will be now 13 metres away from the proposed boat house. It is therefore considered that there will be no material increase in harm to the residential properties and the proposed new boat house and boat yard will not have a detrimental impact on the living conditions of the neighbouring properties through visual intrusion or loss of light.

### **The impact on trees**

An Arboricultural Survey was submitted with the application. The proposed new sea scout headquarters will require the removal of 15 trees growing within the site.

Currently there are 22 trees in or around the site. Of these, 5 are considered to be Category A which means of high quality and value, 10 are considered Category B of moderate quality and value and 4 trees are considered Category C which are low quality and value. 3 trees are Category U where removal is advised. The high value trees are being retained along with 2 moderate value trees.

The location of the new boat house and boat yard will impact on the existing copse and will require the removal of 5 trees out of the 7 that are there. None of the trees have been considered to be of high quality and value. 3 are moderate (Category B), 2 are low (Category C) and 2 are advised to be removed (Category U).

The loss of these trees is mitigated by the proposal to increase the size of the copse through the planning of native broad leaved trees at a ratio of 4:1.



The Council's Tree Preservation Officer has raised no objection to the removal of the trees. The replanting can be controlled by a suitably worded condition. On this basis, it is considered that the removal of the trees will not have a detrimental impact on the character and appearance of the park or the Conservation Area.

### **Car Parking and highway safety**

A number of concerns have been raised regarding the impact on the neighbouring streets with regards to parking. All Scout meetings will start and finish at the headquarters building which will be accessed off the main entrance into St Nicholas' Park off the Banbury Road, and will utilise the existing access around the Leisure Centre. There is ample parking for parents to drop off and collect children. During the boating season, a proportion of the young people would be escorted by foot to the boat house to change and carry out the water based activities, and then escorted back. Vehicular access to the boathouse will be through the existing gateway at the bottom of Pickard Street. Vehicular movements will be reduced and will be confined to the occasional need to move boats and trailers on and off the site.

It is therefore considered that by moving the headquarters building adjacent to the leisure centre complex and away from the properties in Pickard Street will bring a significant reduction in the number of vehicles using Avon Street and Pickard Street and therefore the proposals will provide an improvement to the existing situation.

### **Ecology**

A Protected Species Survey report was submitted with the application. No evidence of bats was found during the inspection survey and no bats emerged from the building during the activity survey, but there are features in the building that can be used by crevice-dwelling bat species. The report set out recommendations and mitigation measures, which includes the hand stripping of the roof and timber cladding and provision of new roosting opportunities for crevice dwelling bats. The Ecologist has raised no objections subject to the mitigation measures measured in the report. This can be dealt with by a suitably worded condition.

### **Renewables**

An energy statement has been submitted with the application which states that Solar Photovoltaics will be included on both buildings, however, the details of the solar PV panels have not be submitted. This can be controlled by a suitably worded condition.

### **Flooding and drainage**

The boat yard and new boat house building will be located within Flood Zone 3b where normally the Environment Agency would object to the erection of new buildings. However, the proposal is considered to be water compatible. The Flood Risk Assessment states that the building is designed to allow water to freely flow in and out of the building and boat yard in times of flood. Flood storage capacity

will not be compromised since the FRA demonstrates the development has no increase in footprint from the original building and finished floor levels will be set as existing. The Environment Agency have raised no objections.

### **Other Matters**

Given the close proximity of the proposed boat house and yard to nearby residents located in Pickard Street, concerns have been raised that nuisance may arise from noise and dust during the demolition of the existing headquarters structure. Environmental Health have requested that a construction and demolition management plan is submitted which will also control the hours of any activity on the site.

### **SUMMARY/CONCLUSION**

The location of the new headquarters building will not have a detrimental impact on the character and appearance of the park or the Conservation Area due to being read against the existing leisure centre. The proposed new boat house and boat yard is located within the area of the existing headquarters building and therefore will not have any additional harm on the neighbouring properties. Furthermore, it is considered that with the relocation of the headquarters towards the north side of the park, the existing parking issues will be significantly reduced. The proposals are in accordance with the aforementioned policies.

### **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 [nos. 22013-1401-201B; 2013-1401-202 B; 2013-1401-203 A; 2013-1401-204 A; 2013-1401-205 A; 2013-1401-206; 2013-1401-211 D; 2013-1401-212 B; 2013-1401-213 A; 2013-1401-214] submitted 22nd August 2014 and the Protected Species Survey by Philip Irving dated June 2014 submitted on 28th July 2014, and specification contained therein. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 The development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed security fencing to be erected, specifying the colour of the railings and gates; and hard surfacing, which shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full

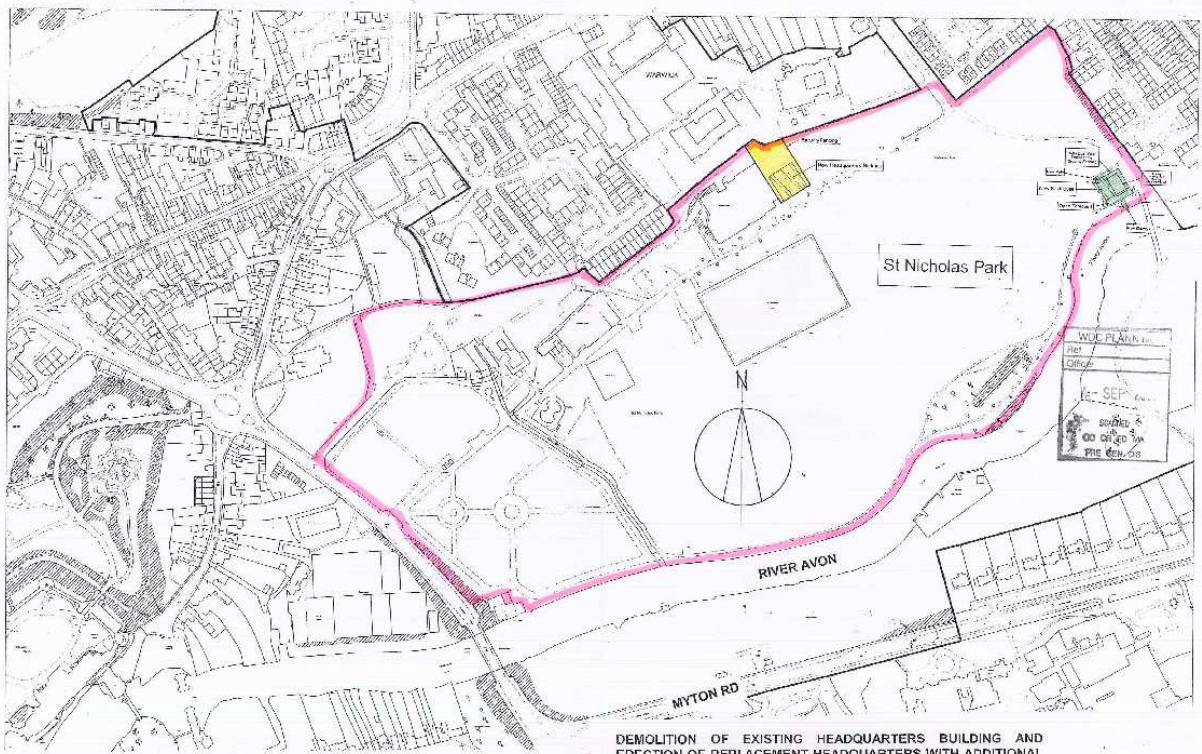
accordance with the approved details within three months of the first occupation of the either the proposed headquarters or boat house and boat yard hereby permitted; and all planting including the replacement tree planting as stated within the Arboricultural inspection and report dated 21st May 2014 shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2, DP3 and DP11 of the Warwick District Local Plan 1996-2011.

- 4 No development or other operations (including demolition, site clearance or other preparatory works) shall be commenced unless and until adequate steps, which shall have been previously approved in writing by the local planning authority, have been taken to safeguard against damage or injury during construction works (in accordance with Clause 7 of British Standard BS5837 – 2012 Trees in Relation to Design, Demolition & Construction) to all tree(s) on the site, or those tree(s) whose root structure may extend within the site. In particular no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by any retained tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area, or any other works be carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and 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 Policy DP3 of the Warwick District Local Plan 1996-2011.
- 5 The development hereby permitted shall not commence unless and until two weeks' notice in writing of the start of works has been given to a suitably qualified bat worker appointed by the applicant to supervise all destructive works to the roof. All roofing material is to be removed carefully by hand. Should bats be found during this operation, then work must cease immediately while Natural England are consulted for advice and no further works shall be undertaken at the site unless and until full details of measures for bat migration and conservation have been submitted to and approved in writing by the local planning authority. The development shall then proceed in full accordance with

the approved details and any required mitigation works shall be complete in full accordance with the approved details and shall not be removed or altered in any way without the prior written approval of the local planning authority. 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 DAP3 of the Warwick District Local Plan 1996-2011.

- 6 The development shall be carried out only in full accordance with sample details of the facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.
- 7 The development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.
- 8 The existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any tree(s) or shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with tree(s) and shrub(s) of such size and species details of which must be submitted to and approved by the local planning authority. All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces). **REASON:** To protect those trees and shrubs which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011.

- 9 The development (including any works of demolition) shall proceed only in strict accordance with a construction and demolition method statement which has been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for: any temporary measures required to manage traffic during construction; measures to control noise and light nuisance; the parking of vehicles of site operatives and visitors and details of the turning within the site during construction; dust suppression; demolition or clearance works; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction; and a scheme for recycling / disposing of waste resulting from demolition and construction works, unless otherwise agreed in writing by the local planning authority. **REASON:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies DP2, DP6, DP8 & DP9 of the Warwick District Local Plan 1996-2011.
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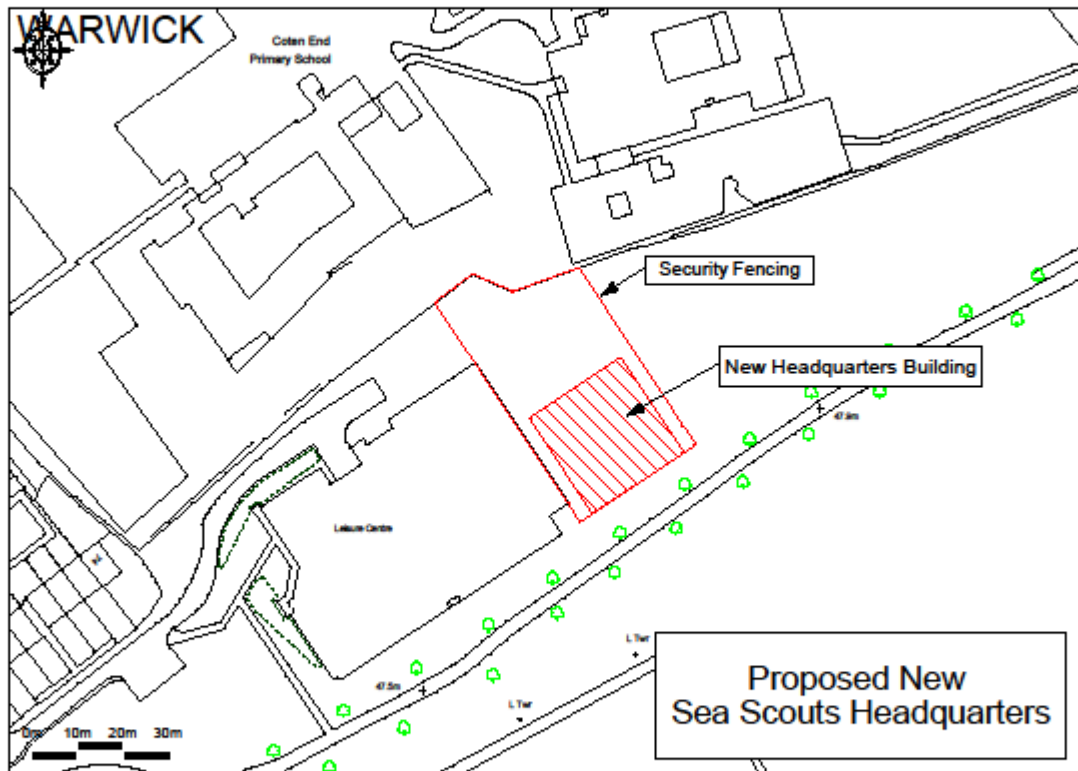
DEMOLITION OF EXISTING HEADQUARTERS BUILDING AND  
 ERECTION OF REPLACEMENT HEADQUARTERS WITH ADDITIONAL  
 BOATHOUSE, BOATYARD AND SLIPWAY for 2<sup>nd</sup> WARWICK SEA  
 SCOUTS IN ST NICHOLAS' PARK WARWICK

1 : 2500 LOCATION PLAN

Drawing 2013-1401-SK222

Laurie King Design Group Architects  
14, The Quadrant, Warwick, CV34 4EF

*Countryside Planning Services Limited*

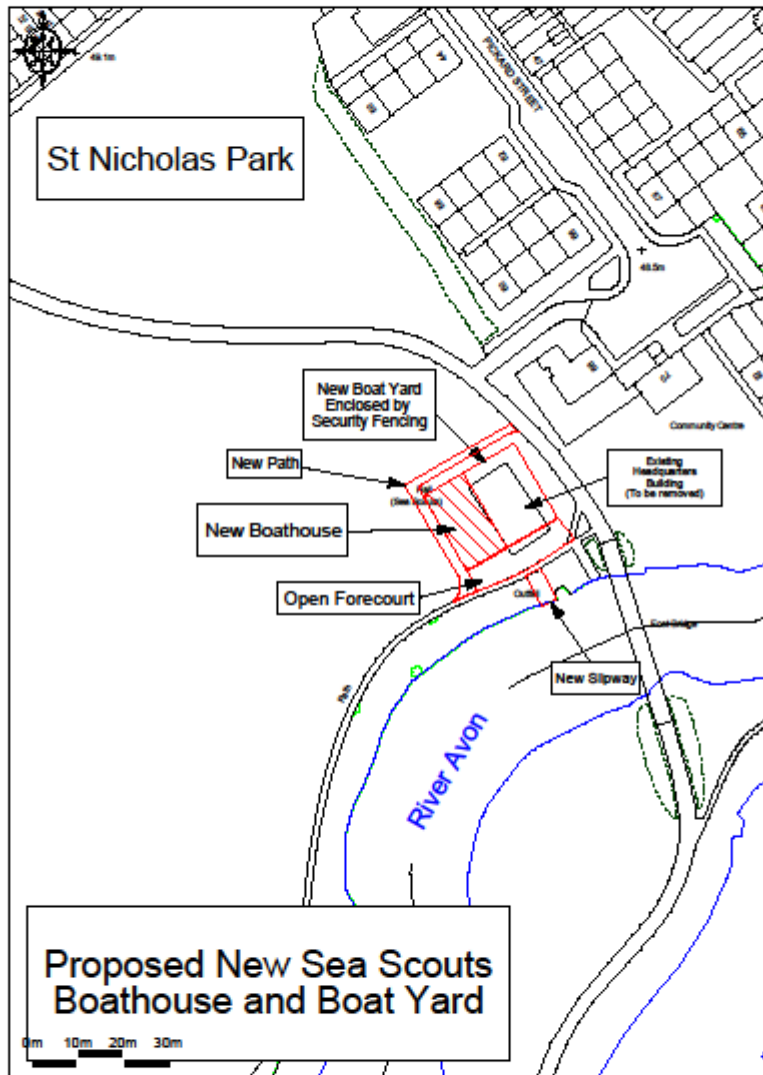


Limited Company No. 4189002





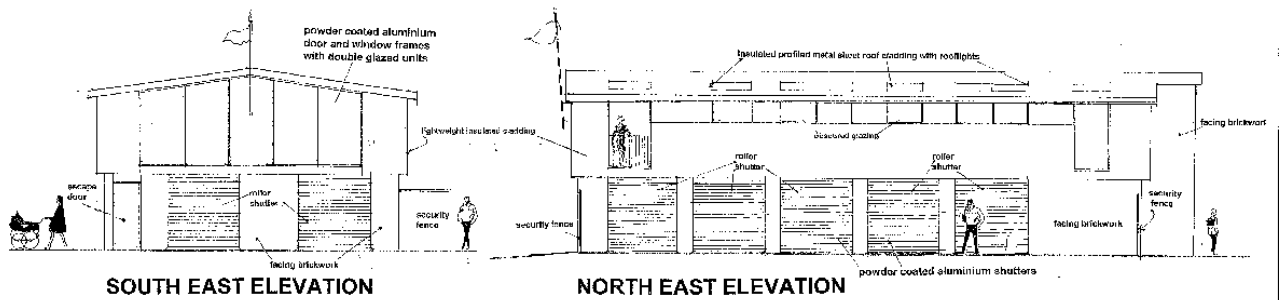
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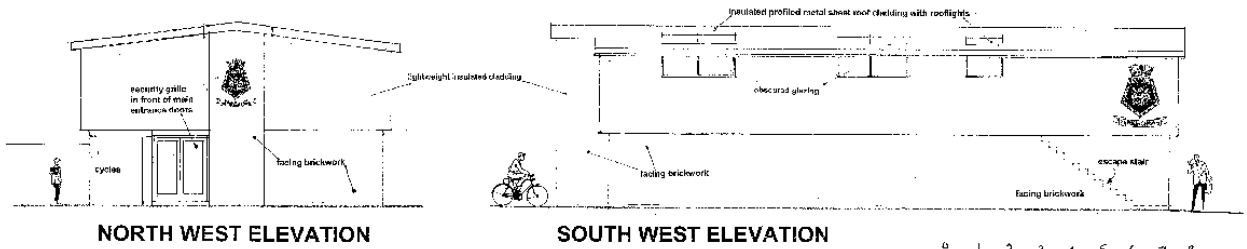
Limited Company No. 4189002

**PROPOSED NEW  
SEA SCOUT  
HEADQUARTERS**



**SOUTH EAST ELEVATION**

**NORTH EAST ELEVATION**



**NORTH WEST ELEVATION**

**SOUTH WEST ELEVATION**

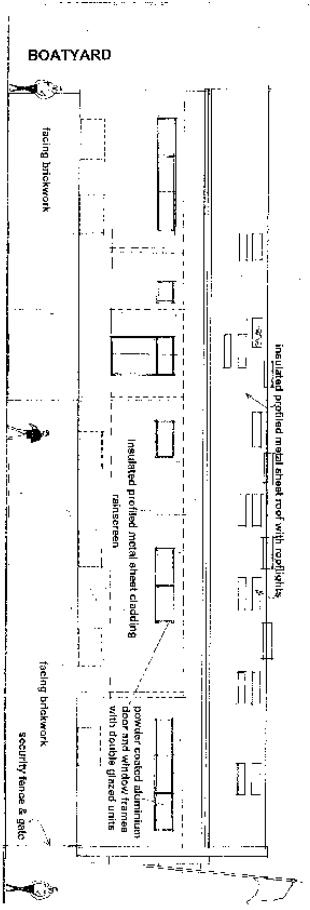
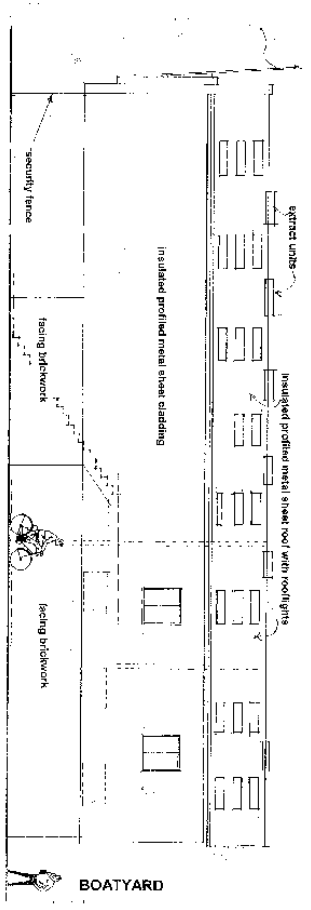
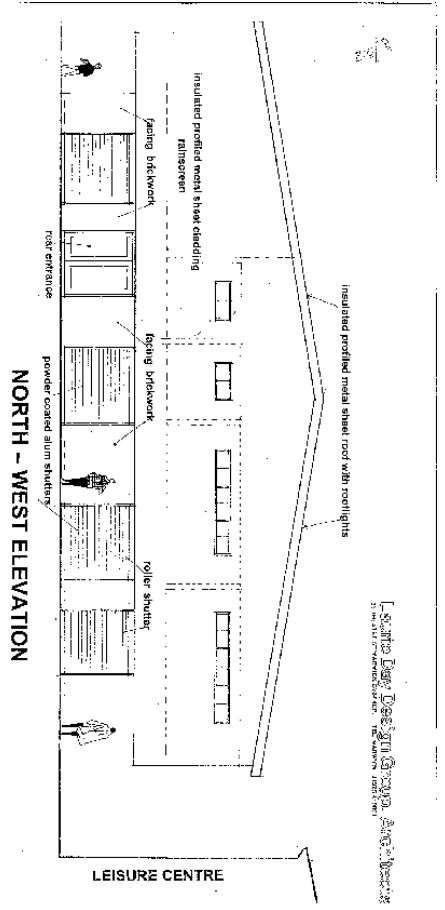


**Lesmyn Day Design Group, Architects**  
21/05/2014 10:00 AM

**NEW BOATHOUSE  
FOR 2WSS**

**Drawing 2013-1401- 213A scale 1 : 100**  
 Amendment A 21.05.2014 notes added



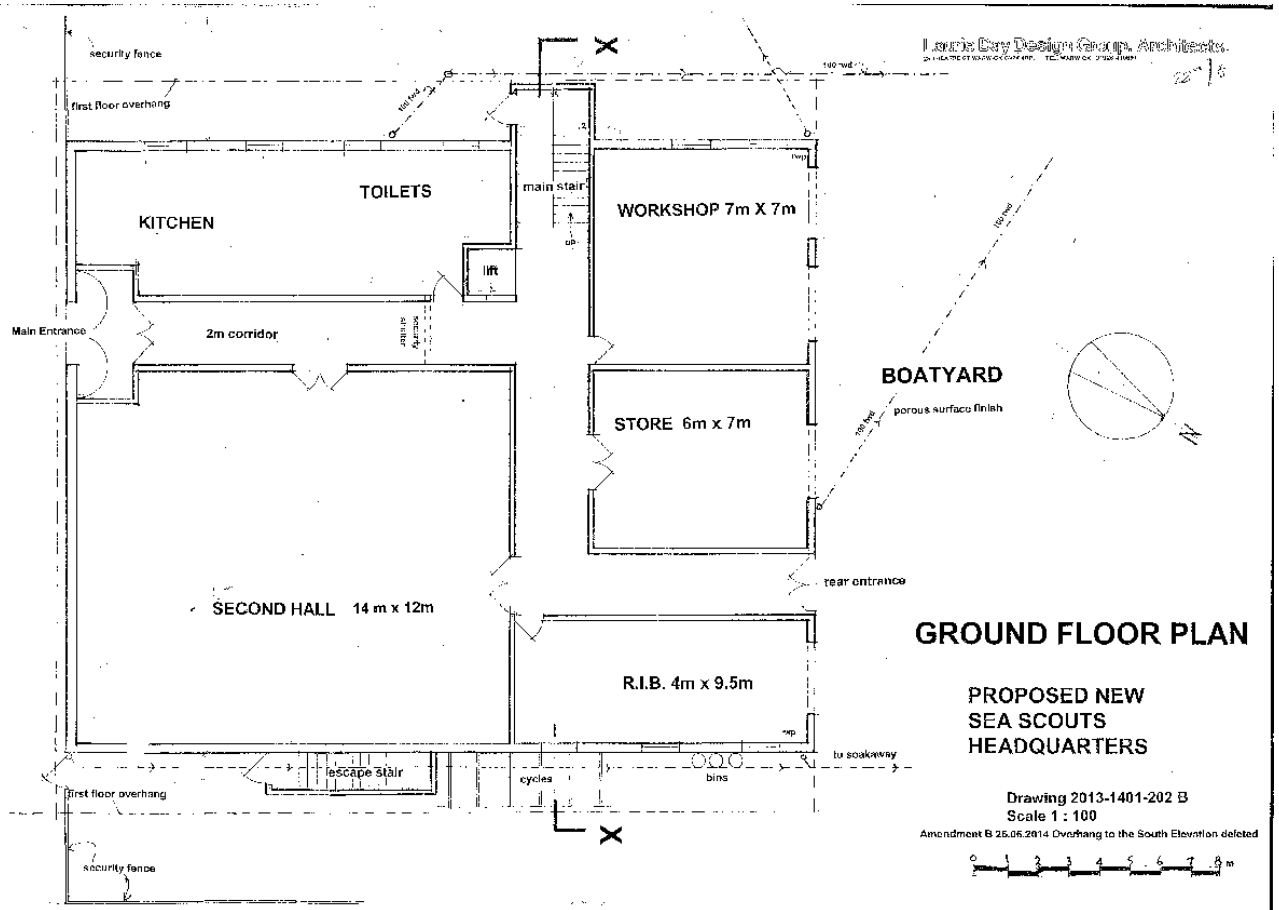


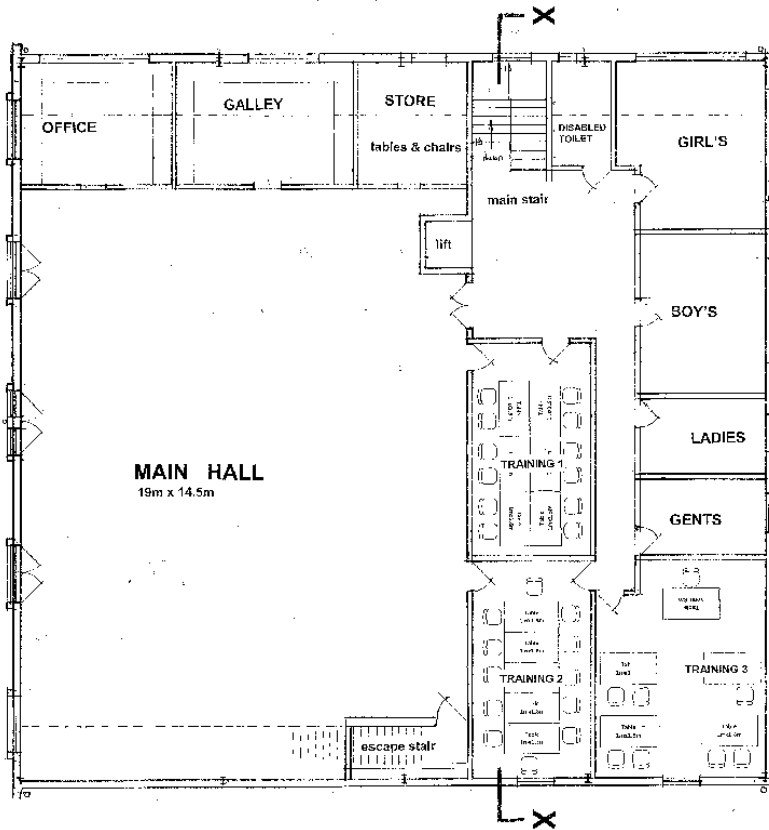
**SOUTH - WEST ELEVATION**  
**ELEVATIONS**

Amendment A 26.06.2014 Overlaid to the South Elevation deleted

**PROPOSED NEW**  
**SEA SCOUTS**  
**HEADQUARTERS**

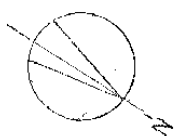
Drawing 2013-1401-205A scale 1:100





Laurie Cox Design Group Architects

22/18



**FIRST FLOOR PLAN**

**PROPOSED NEW  
SEA SCOUTS  
HEADQUARTERS**

Drawing 2013-1401-203A scale 1:100



Amendment A 26.05.2014 Overhang to the South Elevation deleted

**Planning Committee:** 11 November 2014

**Item Number:** 9

**Application No:** [W 14 / 1054](#)

**Town/Parish Council:** Bishops Tachbrook  
**Case Officer:** Liam D'Onofrio

**Registration Date:** 14/07/14  
**Expiry Date:** 14/11/14

01926 456527 liam.donofrio@warwickdc.gov.uk

**Woodside Farm, Harbury Lane, Bishops Tachbrook, Leamington Spa,  
CV33 9QA**

Reserved matters application for the layout, scale and appearance of 46 dwelling houses and associated landscaping under Phase 1 of the Woodside Farm development granted under outline planning permission W/13/1207. FOR Persimmon Homes South Midlands

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This application is being presented to Committee because it is considered appropriate that this particular application be determined in that manner.

**RECOMMENDATION**

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

**DETAILS OF THE DEVELOPMENT**

This application seeks the approval of reserved matters relating to appearance, landscaping, layout and scale, following the grant of outline permission for an urban extension comprising up to 280 new homes, public open space, landscaping, new access and highways and associated and ancillary development, which was granted on 21st November 2013 under planning application W/13/1207. The site access from Tachbrook Road was approved under this outline planning permission.

The reserved matters application provides details for Phase 1 only, which comprises 46 units located within the northwest part of the site and a strip of open space extending along the western boundary adjacent to Tachbrook Road and the southern boundary adjoining Woodside Farm. Details have been provided on house types, associated layout and areas of open space for this phase of development.

The applicant confirms that the design of the scheme has been led by the Garden Towns, Villages and Suburbs prospectus and following discussions with officers, amendments have been made to refine the layout and soften the scheme further. A Design Rational Document for the whole of the site has been prepared, which sets out the key concepts within the scheme, including tree lined boulevards, the treatment of the neighbourhood edge, feature squares and secondary residential streets. Furthermore the document also provides details on connectivity both within and surrounding the site and the approach to the provision of affordable housing and housing mix across the site.

The phase 1 scheme provides a schedule of accommodation detailing the housing

mix and location and distribution of affordable units within the phase.

The application is accompanied by a Energy Statement seeking a fabric first approach and Landscape Strategy Plan for private amenity areas to be maintained by the landowner in order to provide a long term strategy based upon both good horticultural/ arboricultural procedures and visual aesthetic and screening objectives.

## **THE SITE AND ITS LOCATION**

The application site relates to an agricultural field located east of Tachbrook Road and north of Harbury Lane. The residential gardens of properties on Ashford Road and Landor Road adjoin the northern site boundary and the site wraps around Woodside Farm, Grove Cottage and Ashwood Cottage to the south. The site rises from west to east with the highest point to the northeast. The site is within open countryside and a public footpath runs north to south through the site linking Landor Road with Harbury Lane. This reserved matters application relates to Phase 1, which includes the northwest section of the site and a strip of open space extending along the western boundary adjacent to Tachbrook Road and southern boundary adjoining Woodside Farm.

## **PLANNING HISTORY**

W/13/0776 Outline permission for an urban extension comprising up to 280 new homes, public open space, landscaping, new access and highways and associated and ancillary development: Refused on 13th August 2013.

W/13/1207 Outline planning application for an urban extension comprising up to 280 new homes, public open space, landscaping, new access and highways and associated and ancillary development: Granted 21st November 2013.

## **RELEVANT POLICIES**

- National Planning Policy Framework

### The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
- DP5 - Density (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
- SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)



- SC4 - Supporting Cycle and Pedestrian Facilities (Warwick District Local Plan 1996 - 2011)
- SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- SC14 - Community Facilities (Warwick District Local Plan 1996 - 2011)
- RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- DAP2 - Protecting the Areas of Restraint (Warwick District Local Plan 1996 - 2011)
- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)

### The Emerging Local Plan

- DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS6 - Level of Housing Growth (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H0 - Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- H2 - Affordable Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- H4 - Securing a Mix of Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- BE2 - Developing Strategic Housing Sites (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR3 - Transport Improvements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS6 - Creating Healthy Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS7 - Crime Prevention (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

## Guidance Documents

- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Open Space (Supplementary Planning Document - June 2009)
- Vehicle Parking Standards (Supplementary Planning Document)
- Warwickshire Landscape Guidelines SPG
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Affordable Housing (Supplementary Planning Document - January 2008)
- Development Management Policy Guidance: Achieving a Mix of Market Housing on new Development Sites (Agreed by Executive - 19th June 2013)
- Garden Towns, Villages and Suburbs - A prospectus for Warwick District Council (Consultation document - May 2012)

## **SUMMARY OF REPRESENTATIONS**

**Bishops Tachbrook Parish Council:** Following further consideration, the Parish Council's initial objection to the proposal has been withdrawn.

**WDC Sustainability and Climate Change Officer:** supports the approach proposed in relation to sustainability.

**WCC Highways:** No comments received.

**WCC Ecology:** No objection is raised to reserved matters scheme.

**WCC Archaeology:** No objection.

**Severn Trent Water:** No objection, subject to condition (which was applied at the outline stage).

**Warwickshire Police:** No objection, subject to Secure by Design principles being applied.

**Environmental Health Officer:** No objection to the submitted details. Requests further information on arrangements to protect future residents from traffic noise during construction.

**Environment Agency:** No objection.

**Natural England:** No objection.

**Public response:** There have been five objections received, however three of these relate to the principle of the development, which was established at the outline stage. The concerns raised relating to the reserved matters application are:

- Loss of privacy and light.
- Increased traffic noise and congestion.
- Impact upon flora and fauna.
- The difficulty in commenting objectively on each phase of the development.

Phase 1 does not conform to garden suburb standards in respect of the amount of green space, the affordable housing is grouped together and should be spread amongst site. Distances between houses look lower than 22 metres.

## **ASSESSMENT**

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

- Principle;
- Design and Layout;
- The impact on the living conditions of nearby dwellings;
- Car Parking and Highway Safety;
- Ecological Impact;
- Renewables;
- Health and Wellbeing.

### **The Principle of the Development**

The principle for a housing development of 280 units was established following the grant of outline planning permission at Planning Committee on 5th November 2013. This application considered matters of principle including loss of agricultural land, air quality, affordable housing and the impact upon local services and infrastructure, which it is therefore not considered appropriate to consider further here.

The outline application is subject to a Section 106 legal agreement securing all necessary contributions.

### **Design and layout**

#### **The Garden Towns, Villages and Suburbs Approach**

The Council's 'Garden Towns, Villages and Suburbs' Prospectus seeks to bring together the key characteristics of the garden suburbs and villages approach, which include coherent and well planned layouts, high quality design and consideration of long term management arrangements. The site is considered to fall within the category of 'neighbourhood edge', lying at the edge of the developable area and adjoining countryside.

Revisions have been made to refine the layout and it is considered that this scheme will provide a high quality residential environment which conforms to the garden suburb design principles exhibiting the characteristics of a leafy well designed residential neighbourhood within which open space and structural landscaping is an integral part.

The main spine access is shaped to provide a soft arc and allows development to follow a linear form along its length and provides wide, tree-lined pavements and a strong rhythm to the pattern of development. The prospectus indicates that the linear layout can be less regimented for the 'neighbourhood edge' with a looser urban pattern of semi and detached houses. The scheme originally proposed that all properties fronted the northern side of the spine road, with the exception of plot 2, which was positioned at odds to the other properties, angled towards Tachbrook Road. This layout was considered to break the rhythm of the run of development and made the flank wall of plot 1 the first elevation visible on entering the development. Amendments have been made and the layout and the houses will now curve away from the spine road to front the public open space and Tachbrook Road, improving natural surveillance of this area, improving the

entrance to the development and creating a stronger linear layout.

The prospectus sets out that perimeter development blocks should be well defined. Three well defined such blocks can be distinguished within this phase and rear court parking and hard surfaces are avoided, although some residential garaging within rear garden areas is included. The front and rear gardens provide an appropriate level of amenity space and front gardens have been designed for soft landscaping with parking allocated within the gaps between properties. This avoids the need for hardstanding on frontages and makes parked cars more discreet within the streetscene, adding to the verdant, garden suburb character.

The layout of the proposed development includes significant areas of open space exhibiting a spacious character. All minimum separation distances between main dwelling houses are met or exceeded. With the exception of a minor shortfall of 0.5m between the rear elevation of plot 11 and flank wall of plot 12, which is overcome by the spacious nature of plot 11.

The proposed rear conservatories within some of the plots are not considered to affect the overall spaciousness of the proposed layout which is considered to positively meet the aims of the garden suburb prospectus ensuring a good standard of amenity for future occupiers.

In design terms, all properties are two-storey and provide a mix of semi-detached and detached designs. The properties are considered to provide an appropriate design solution with corner properties having a dual aspect. In terms of their detailing all properties fronting the spine road and those occupying corner plots have chimneys, as these are considered to provide an important architectural feature. It will be appropriate to condition material samples to ensure an appropriate finish.

A condition was imposed at Outline stage to ensure that an appropriate level of open space and recreational facilities are provided to serve the development, including informal open space, appropriate children's play facilities, outdoor sport facilities and allotment gardens. This phase provides green space at the access with the pedestrian footpath running to the northern boundary and a strip of open space extending along the western boundary adjacent to Tachbrook Road and the southern boundary adjoining Woodside Farm, where an attenuation pond is to be located. The applicant has confirmed that the larger open space facilities will be located to the south of the site adjacent to Harbury Lane to provide a softer urban edge. These facilities will be considered in the subsequent phases, however the indicative masterplan shows the general layout of the wider site at this stage.

Soft landscaping will clearly be an essential element of achieving the character of the garden suburb and the proposal includes a detailed landscaping scheme providing tree, hedge and shrub planting across this phase and appropriate meadow and woodland planting mixtures and wetland and pond mixtures around the attenuation ponds. Proposed trees to be planting within the phase will range from 2.5m to 6m in height depending on the species, giving an immediate impact within the development.

## Housing mix

Policy SC1 of the Warwick District Local Plan 1996-2011 requires residential development to make provision for a range of sizes and types of dwellings, and the Council has also published a supporting Policy Guidance document "Guidance on the Mix of Market Housing on New Development Sites". The housing mix in the policy guidance reflects the findings of the Strategic Housing Market Assessment (SHMA) (March 2012) in terms of the future demand for housing. The document is consistent with the NPPF and was agreed by the Council's Executive on 19th June 2013. However, this document has not been through the formal development plan framework process and does not have the status of a supplementary planning document. The proposed housing mix for this phase is as follows:

### Market Housing

Bedrooms	Total	% Proposed	WDC requirement	Difference
1-bedroom	0	0	7%	- 7%
2-bedroom	12	36%	26%	+ 10%
3-bedroom	15	46%	43%	+ 3%
5-bedroom	6	18%	24%	- 6%
Total	33	100	100	

This particular phase of development proposes an increased proportion of smaller 2 and 3 bedroom market houses and a lower proportion of 1 bedroom dwellings. However, in overall terms the development as a whole will achieve the required mix of house types across the development site. Within that context it is considered that the mix and distribution of housing types proposed as part of the first phase is acceptable.

### Affordable Housing

The proposed affordable housing mix for this phase of development is as follows:

Bedrooms	Total
1-bedroom	3
2-bedroom	10
Total	13

40% of the total housing units within the development as a whole will be affordable. The current phase provides approximately 28% affordable housing comprising the mix of dwelling sizes set out above, however the applicant has provided an indicative masterplan to demonstrate how the 40% affordable housing will be distributed across the whole development site.

The Housing Officer has confirmed that the affordable housing layout for this phase, and the indicative layout for the wider site demonstrate an acceptable approach which avoids clusters of more than 15-20 affordable units together.

## **The impact on the living conditions of nearby dwellings**

The proposed layout and design of this development in accordance with the gardens suburbs approach will provide a high level of residential amenity to the future occupiers of the development within an attractive setting. The separation distances to surrounding properties are achieved and the proposed development is considered to provide appropriate relationships to neighbouring properties without significant impact upon the amenities of the occupiers.

The EHO has raised no objection to the construction method statement to mitigate against any nuisance that could arise during the construction activities. Further information has been requested by the EHO regarding technical details to show that the arrangements to protect future residents from traffic noise are appropriate. This information is specifically required to be submitted to and agreed in writing by the LPA through outline planning condition No.13 and can therefore be dealt with separately to this reserved matters application, however as it could affect the proposed layout it also needs to be considered at this stage. The EHO agrees in principle with the recommendations of the noise assessment for noise attenuation details.

## **Car Parking and Highway Safety**

The Highway Authority has not advised of any objections to the proposed layout. The site access from Tachbrook Road has previously been agreed at outline stage. Each property has an appropriate level of parking in accordance with the Council's Vehicle parking Standards and bin collection points have been provided where properties are over 25 metres from the highway turning head.

## **Ecological Impact**

The Ecologist was satisfied at outline stage that any ecological impact could be successfully mitigated through planning conditions and these were imposed upon the original outline application W/13/0776. These ecological conditions will be discharged in agreement with the Ecologist prior to the commencement of the development. No further information is therefore required at reserved matters stage.

## **Renewables**

The applicant proposes a 'fabric first' approach which will deliver permanent reductions in energy consumption and CO2 emissions. The applicant notes that this is in accordance with the Governments 2016 building policy and emerging local policy. The proposed strategy will permanently reduce energy consumption by 11.9% and permanently reduce CO2 emissions by 10.65%.

Emerging national and local planning policies advocate the application of the 'energy hierarchy'. This requires enhanced energy efficiency and reduced carbon emissions to be achieved in the following order:

- In the first instance, through reducing energy demand, for example by enhancing the building fabric specification (providing more insulation and making the building more air-tight, etc) and specifying more efficient building services ( boilers, lighting, ventilation systems etc);
- Secondly - once demand for energy has been minimised as described

- above - through measures designed to supply energy efficiently, for example by connecting to a district heating system or installing combined heat and power plant; and,
- Finally – and only when reducing demand and supplying energy efficiently have been addressed – by installing renewable energy technologies.

Measures at the top of the hierarchy, such as adding more insulation and reducing air leakage, being incorporated into the building fabric, result in permanent reduction in energy use and carbon emissions, whereas renewable energy technologies have a 'shelf-life' (depends on the technology selected but is typically between 10 and 25 years). Officers consider that the scheme is the preferred option and will accord with policy aims of reducing CO2 emissions. The so called 'fit and forget' strategy has clear benefits as it requires zero maintenance and avoids the need for the installation of renewable technologies to the external elevations of properties and avoids any future questions that technologies are being used correctly for full efficiency.

The applicant has confirmed that solar panels can be installed on south facing roof planes to meet the 10% renewable energy requirement is members consider that this is necessary.

### **Health and Wellbeing**

Proposed perimeter walls and fencing were 1.8 metres high and following Police 'Secure by Design' comments amendments have been made to add 200mm of trellis above, which cannot be easily climbed and improves security. The Police have also requested lighting serving the development complies with the British Standard. Lighting is controlled by a condition imposed at outline stage, however this was intended to ensure that 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. A balance will therefore need to be struck to ensure that lighting of a higher intensity is only provided where it is needed.

### **Other Matters**

In terms of the drainage strategy the Environment Agency have raised no objection to the scheme.

Officers note that concerns have been raised that the reserved matters application has been submitted in phases. However this not an unusual approach to developments of this scale and in this particular case, the applicant has provided detailed information to demonstrate how this phase has been designed in accordance with their approach to the development as a whole.

### **SUMMARY/CONCLUSION**

The proposed development is considered to provide a high quality residential environment in accordance with the garden suburbs principles, including an appropriate mix of market and affordable housing and acceptable dwelling house and layout design solutions, including public open space, relevant to this particular phase of the development. The scheme therefore complies with the policies listed.

## **CONDITIONS**

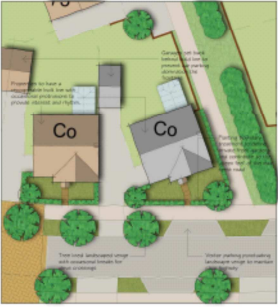
- 1 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) P-1-01 (co) Rev B, Drg No.27 Rev D, Drg No.28 Rev D, AAH5230-20 REV A, , P-06, P-07, P-09, P-13, P-13, P-13-1, P-13-2, P-13-3, P-16, AAH5230-03 REV B, AAH5230-19, AAH5230-18 REV A, AAH5230-17 REV A, AAH5230-07 REV C, AAH5230-04 REV C, AAH5230-05 REV C, AAH5230-15 REV C and specification contained therein, submitted on 11/07/14, 13/10/14, 30/10/14 and 03/11/14, except as required by condition 2. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
  - 2 The development shall be carried out only in full accordance with sample details of the facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.
  - 3 The development shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **REASON:** To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual amenity in accordance with Policies DP1, DP2 & DP8 of the Warwick District Local Plan 1996-2011.
  - 4 The landscaping scheme submitted as part of the application hereby permitted shall be completed, in all respects, not later than the first planting season following the completion of each phase of the development hereby permitted. Any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees of similar size and species to those originally required to be planted. **REASON:** To protect and enhance the amenities of the area, and to satisfy the requirements of Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011.
-





SCHEDULE OF ACCOMMODATION: Phase 1 Plan only

Unit	Type	Area	Count
01	1 Bed	40sqm - 2.0 Storey	4
02	2 Bed	55sqm - 2.0 Storey	2
03	3 Bed	75sqm - 2.0 Storey	2
04	4 Bed	100sqm - 2.0 Storey	2
05	5 Bed	130sqm - 2.0 Storey	2
06	6 Bed	160sqm - 2.0 Storey	2
07	7 Bed	200sqm - 2.0 Storey	2
08	8 Bed	250sqm - 2.0 Storey	2
09	9 Bed	300sqm - 2.0 Storey	2
10	10 Bed	350sqm - 2.0 Storey	2
11	11 Bed	400sqm - 2.0 Storey	2
12	12 Bed	450sqm - 2.0 Storey	2
13	13 Bed	500sqm - 2.0 Storey	2
14	14 Bed	550sqm - 2.0 Storey	2
15	15 Bed	600sqm - 2.0 Storey	2
16	16 Bed	650sqm - 2.0 Storey	2
17	17 Bed	700sqm - 2.0 Storey	2
18	18 Bed	750sqm - 2.0 Storey	2
19	19 Bed	800sqm - 2.0 Storey	2
20	20 Bed	850sqm - 2.0 Storey	2
21	21 Bed	900sqm - 2.0 Storey	2
22	22 Bed	950sqm - 2.0 Storey	2
23	23 Bed	1000sqm - 2.0 Storey	2
24	24 Bed	1050sqm - 2.0 Storey	2
25	25 Bed	1100sqm - 2.0 Storey	2
26	26 Bed	1150sqm - 2.0 Storey	2
27	27 Bed	1200sqm - 2.0 Storey	2
28	28 Bed	1250sqm - 2.0 Storey	2
29	29 Bed	1300sqm - 2.0 Storey	2
30	30 Bed	1350sqm - 2.0 Storey	2
31	31 Bed	1400sqm - 2.0 Storey	2
32	32 Bed	1450sqm - 2.0 Storey	2
33	33 Bed	1500sqm - 2.0 Storey	2
34	34 Bed	1550sqm - 2.0 Storey	2
35	35 Bed	1600sqm - 2.0 Storey	2
36	36 Bed	1650sqm - 2.0 Storey	2
37	37 Bed	1700sqm - 2.0 Storey	2
38	38 Bed	1750sqm - 2.0 Storey	2
39	39 Bed	1800sqm - 2.0 Storey	2
40	40 Bed	1850sqm - 2.0 Storey	2
41	41 Bed	1900sqm - 2.0 Storey	2
42	42 Bed	1950sqm - 2.0 Storey	2
43	43 Bed	2000sqm - 2.0 Storey	2
44	44 Bed	2050sqm - 2.0 Storey	2
45	45 Bed	2100sqm - 2.0 Storey	2
46	46 Bed	2150sqm - 2.0 Storey	2
47	47 Bed	2200sqm - 2.0 Storey	2
48	48 Bed	2250sqm - 2.0 Storey	2
49	49 Bed	2300sqm - 2.0 Storey	2
50	50 Bed	2350sqm - 2.0 Storey	2
51	51 Bed	2400sqm - 2.0 Storey	2
52	52 Bed	2450sqm - 2.0 Storey	2
53	53 Bed	2500sqm - 2.0 Storey	2
54	54 Bed	2550sqm - 2.0 Storey	2
55	55 Bed	2600sqm - 2.0 Storey	2
56	56 Bed	2650sqm - 2.0 Storey	2
57	57 Bed	2700sqm - 2.0 Storey	2
58	58 Bed	2750sqm - 2.0 Storey	2
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63	63 Bed	3000sqm - 2.0 Storey	2
64	64 Bed	3050sqm - 2.0 Storey	2
65	65 Bed	3100sqm - 2.0 Storey	2
66	66 Bed	3150sqm - 2.0 Storey	2
67	67 Bed	3200sqm - 2.0 Storey	2
68	68 Bed	3250sqm - 2.0 Storey	2
69	69 Bed	3300sqm - 2.0 Storey	2
70	70 Bed	3350sqm - 2.0 Storey	2
71	71 Bed	3400sqm - 2.0 Storey	2
72	72 Bed	3450sqm - 2.0 Storey	2
73	73 Bed	3500sqm - 2.0 Storey	2
74	74 Bed	3550sqm - 2.0 Storey	2
75	75 Bed	3600sqm - 2.0 Storey	2
76	76 Bed	3650sqm - 2.0 Storey	2
77	77 Bed	3700sqm - 2.0 Storey	2
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79	79 Bed	3800sqm - 2.0 Storey	2
80	80 Bed	3850sqm - 2.0 Storey	2
81	81 Bed	3900sqm - 2.0 Storey	2
82	82 Bed	3950sqm - 2.0 Storey	2
83	83 Bed	4000sqm - 2.0 Storey	2
84	84 Bed	4050sqm - 2.0 Storey	2
85	85 Bed	4100sqm - 2.0 Storey	2
86	86 Bed	4150sqm - 2.0 Storey	2
87	87 Bed	4200sqm - 2.0 Storey	2
88	88 Bed	4250sqm - 2.0 Storey	2
89	89 Bed	4300sqm - 2.0 Storey	2
90	90 Bed	4350sqm - 2.0 Storey	2
91	91 Bed	4400sqm - 2.0 Storey	2
92	92 Bed	4450sqm - 2.0 Storey	2
93	93 Bed	4500sqm - 2.0 Storey	2
94	94 Bed	4550sqm - 2.0 Storey	2
95	95 Bed	4600sqm - 2.0 Storey	2
96	96 Bed	4650sqm - 2.0 Storey	2
97	97 Bed	4700sqm - 2.0 Storey	2
98	98 Bed	4750sqm - 2.0 Storey	2
99	99 Bed	4800sqm - 2.0 Storey	2
100	100 Bed	4850sqm - 2.0 Storey	2
101	101 Bed	4900sqm - 2.0 Storey	2
102	102 Bed	4950sqm - 2.0 Storey	2
103	103 Bed	5000sqm - 2.0 Storey	2
104	104 Bed	5050sqm - 2.0 Storey	2
105	105 Bed	5100sqm - 2.0 Storey	2
106	106 Bed	5150sqm - 2.0 Storey	2
107	107 Bed	5200sqm - 2.0 Storey	2
108	108 Bed	5250sqm - 2.0 Storey	2
109	109 Bed	5300sqm - 2.0 Storey	2
110	110 Bed	5350sqm - 2.0 Storey	2
111	111 Bed	5400sqm - 2.0 Storey	2
112	112 Bed	5450sqm - 2.0 Storey	2
113	113 Bed	5500sqm - 2.0 Storey	2
114	114 Bed	5550sqm - 2.0 Storey	2
115	115 Bed	5600sqm - 2.0 Storey	2
116	116 Bed	5650sqm - 2.0 Storey	2
117	117 Bed	5700sqm - 2.0 Storey	2
118	118 Bed	5750sqm - 2.0 Storey	2
119	119 Bed	5800sqm - 2.0 Storey	2
120	120 Bed	5850sqm - 2.0 Storey	2
121	121 Bed	5900sqm - 2.0 Storey	2
122	122 Bed	5950sqm - 2.0 Storey	2
123	123 Bed	6000sqm - 2.0 Storey	2
124	124 Bed	6050sqm - 2.0 Storey	2
125	125 Bed	6100sqm - 2.0 Storey	2
126	126 Bed	6150sqm - 2.0 Storey	2
127	127 Bed	6200sqm - 2.0 Storey	2
128	128 Bed	6250sqm - 2.0 Storey	2
129	129 Bed	6300sqm - 2.0 Storey	2
130	130 Bed	6350sqm - 2.0 Storey	2
131	131 Bed	6400sqm - 2.0 Storey	2
132	132 Bed	6450sqm - 2.0 Storey	2
133	133 Bed	6500sqm - 2.0 Storey	2
134	134 Bed	6550sqm - 2.0 Storey	2
135	135 Bed	6600sqm - 2.0 Storey	2
136	136 Bed	6650sqm - 2.0 Storey	2
137	137 Bed	6700sqm - 2.0 Storey	2
138	138 Bed	6750sqm - 2.0 Storey	2
139	139 Bed	6800sqm - 2.0 Storey	2
140	140 Bed	6850sqm - 2.0 Storey	2
141	141 Bed	6900sqm - 2.0 Storey	2
142	142 Bed	6950sqm - 2.0 Storey	2
143	143 Bed	7000sqm - 2.0 Storey	2
144	144 Bed	7050sqm - 2.0 Storey	2
145	145 Bed	7100sqm - 2.0 Storey	2
146	146 Bed	7150sqm - 2.0 Storey	2
147	147 Bed	7200sqm - 2.0 Storey	2
148	148 Bed	7250sqm - 2.0 Storey	2
149	149 Bed	7300sqm - 2.0 Storey	2
150	150 Bed	7350sqm - 2.0 Storey	2



Main spine road boulevard principles

WOODSIDE FARM, BISHOPS TACHBROOK

Scheme Proposals 01/22/2021



Planning reference: P-1-01(cc) Part B

**Planning Committee:** 11 November 2014

**Item Number:** 10

**Application No:** [W/14/1293](#)

**Town/Parish Council:** Warwick  
**Case Officer:** Liam D'Onofrio

01926 456527 [liam.donofrio@warwickdc.gov.uk](mailto:liam.donofrio@warwickdc.gov.uk)

**Registration Date:** 28/08/14

**Expiry Date:** 27/11/14

**Land at Foxes Study, Warwick Castle ,Warwick CV34 4QU**

A hybrid planning application in two parts:

Part i: outline application with all matters reserved except for siting for up to 12 permanent semi-detached lodges: up to five permanent tree houses: and associated infrastructure works.

Part ii: Full planning application for erection of 8 permanent semi-detached lodges providing visitor accommodation, associated infrastructure works (including drainage) an ancillary facilities building, a sub-station, boardwalks, re-alignment of the existing perimeter footpath, widening of the existing internal access road, lighting and landscaping works and the siting of 41 seasonal glamping tents including associated seasonal support facilities including a banqueting tent, showers and toilets. FOR Merlin Attractions Operations Ltd

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

**RECOMMENDATION**

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

**DETAILS OF THE DEVELOPMENT**

This is a hybrid planning application, seeking part outline and part full planning permission.

The Full Planning Application

The full planning application seeks the erection of 8 permanent semi-detached lodges to provide visitor accommodation and associated infrastructure works, an ancillary facilities building, a sub-station, boardwalks, the re-alignment of the existing perimeter footpath, the widening of the existing internal access road, lighting and landscaping works. It also seeks the siting of 41 seasonal 'glamping' [glamorous camping] tents, including associated seasonal support facilities with a banqueting tent, showers and toilets. The seasonal 'glamping' element of the scheme is only proposed to operate between 1st May and 30th September each year.

The glamping tents are proposed to be up to 4 metres in height and have a maximum diameter of 5.6 metres (circular type) or 8 metres by 4.5 metres (oval type) and will be either white or cream coloured canvas with a small amount of coloured scalloping.

The proposed lodges are located to the east and south of the glamping area and measure 9.6 metres by 6.6 metres and 6.7 metres in height (to the ridge). Each lodge has its own bathroom, kitchen/living/dining area and two bedrooms, one within the roof pitch at mezzanine level. The proposed materials take into account the woodland setting and the main elevations are natural wany edge timber cladding with exposed frame/half timbers and timber framed windows. The pitched roofs will be timber shingle clad and chimneys will be stone clad (reaching 7.9 metres high).

A permanent facilities building to the northwest of the site comprises 206sq.m of floor space and provides a welcome and administration area for visitors. The building will also accommodate a small shop, laundry store, showers and staff facilities. The sub-station is proposed to be located to the rear of the facilities building and all service networks will run below the proposed network of boardwalks to avoid trenching below ground level. The applicant confirms that boardwalks will be lit using low level lighting and will provide a safe, convenient and attractive access for pedestrians and those with mobility/sensory issues.

No additional parking is proposed and visitor accommodation will be located within walking distance (100 metres) of the Stratford Road Car Park.

#### The Outline Planning Application

The outline planning application seeks further accommodation comprising of up to 12 permanent semi-detached lodges five permanent tree houses and associated infrastructure works. All matters are reserved for further approval for this element of the scheme with the exception of the siting of the structures.

The applicant has stated that Phase 1 of the proposal will focus on the detailed part of the development which would be implemented in 2015 with the intention that the outline part of the development would be implemented over subsequent phases probably in 2016 and 2017.

The application is accompanied by various detailed supporting documents comprising a Planning Statement, Design and Access Statement, Transport Assessment, Tree Survey and Arboricultural Assessment, Flood Risk Assessment, Geo-Environmental report, Extended Phase 1 Habitat Survey, Noise Assessment, Services Strategy, Economic Statement, Heritage and Landscaping Assessment and Archaeology Assessment.

The Planning Statement sets out the social and economic context of Warwick Castle identifying the key benefits to the region as being:

- The delivery of £32 million of revenue to the region.
- The consistent generation of publicity and awareness of Warwick at national level.
- The proportion of castle guests(35%) visiting Warwick town.
- The generation of £1.5 million revenue directly to the town.
- The provision of 70 full-time; 77 part-time and 305 seasonal employees.
- Expenditure of £200K spent annually locally on staff lunches.
- The proportion of glamping guests (30%) who dined in Warwick town in 2013.
- The forecast for glamping to deliver £75k to Warwick restaurants in 2014.
- The creation of 70 temporary construction jobs and 23 full-time, part-time and seasonal jobs at the Castle arising from the proposal.

In terms of heritage restoration, the Planning Statement advises that safeguarding the castle and its extensive grounds is a major and key undertaking and that since 1978 an extensive investment and refurbishment programme has been undertaken to ensure that the fabric of the listed buildings and grounds are maintained and enhanced.

The continued attraction of visitors is considered vital for the Castle's economic viability and to ensure that funds are available for the upkeep of this key heritage asset. Over the past 35 years over £20 million has been spent on restoration, including £7 million over the past ten years. Restoration of the Castle walls and tower are scheduled to be undertaken between 2015-2019 at an estimated cost of £1 million and a total of £2.15 million heritage restoration works are planned.

Warwick Castle, as a visitor attraction, operates in a highly competitive sector of the economy and essential factors for retaining its visitor numbers include meeting and exceeding customer expectations and standards, providing unique insights/opportunities and a range of experiences in order to continue to attract people of varying ages and interests, including families.

The provision of visitor accommodation is considered to play a vital role to ensure a unique visitor experience and the Planning Statement indicates several reasons why this is important to the castle's future operation and benefits to the town generally including:

- The proven benefits for the demand from visitors for a unique accommodation offer.
- The absence of such unique accommodation elsewhere in the local area resulting in the attraction of visitors who would not otherwise visit Warwick Castle.
- The delivery of incremental overnight stays in addition to that generated by the existing town hotel room stock.
- The promotion of town visitation and spending.
- The generation of additional revenue to fund further investment in the Castle.
- The creation of new employment opportunities.
- The differentiation of Warwick Castle from its main competitors.

The Heritage and Landscape Assessment seeks to demonstrate that the proposals have sensitively considered the significance and setting of Warwick Castle and its wider heritage assets. It sets out that the development will be discretely sited and set within a well screened location within the wider castle grounds and that the seasonal nature and limited duration of the glamping tents/infrastructure is not considered to harm the heritage assets. The report concludes that the harm is at most the very low end of the scale envisaged by the concept of "less than substantial harm", leading to a presumption to grant planning permission.

The Planning Statement includes a Statement of Community Engagement and the applicant has sought to undertake detailed pre-application advice and neighbour consultation prior to the submission of this application. The key elements of the approach taken which has resulted in further studies and assessment being undertaken and the making of revisions to the scheme are indicated in the table below:

<b>Date</b>	<b>Meeting</b>
20-Jan	WDC planning team: Annual Warwick Castle planning update
02-May	WDC Tree Officer site meeting
26-Jun	WDC Planning Officers pre-application meeting
03-Jul	English Heritage
07-Jul	Warwick Town Council Plans Meeting
07-Jul	Warwick District Council Plans Forum
09-Jul	Warwick Chamber of Trade
22-Jul	WDC Planning Officers pre-application meeting
31-Jul	Warwick Castle Neighbours Forum
01-Aug	Resident drop in session for viewing and discussion of plans
02-Aug	Resident drop in session for viewing and discussion of plans
06-Aug	WDC Tree Officer site meeting
14-Aug	Conservation Advisory Forum
14-Aug	WDC Planning Officers pre-application meeting
30-Aug	Resident drop in session for viewing and discussion of plans
24-Sep	Cllr Littlejohn to answer questions relating to proposal
25-Sep	WDC Noise Officer
08-Oct	Cllr Grainger to answer questions relating to proposal
13-Oct	Warwick Town Council planning committee
17-Oct	WDC planning case officer and conservation officer site visit

## **THE SITE AND ITS LOCATION**

Warwick Castle is a Grade I Listed Building, a Scheduled Ancient Monument and Warwick Park and Gardens are designated as Grade I on the English Heritage Register of Historic Parks and Gardens. The Castle Park is within a designated Area of Restraint in the current Local Plan, and within Warwick Conservation Area. The site is within open countryside close to Warwick Town Centre.

The application site is located about 450m to the south-west of the Castle on the western bank of the River Avon, near the southern end of the island, and in an area of Castle Park known as Foxes Study. The site area is well screened from views from the Castle, Conservatory and grounds to the north by existing mature trees within the Castle grounds.

There is a hard surfaced path running around the edge of the lawned vista running from the Conservatory down to Foxes Study. To the north-west of the application site lies the main public car park which is enclosed by a chain link fence. Further to the west outside the Park are dwellings on Tudor Close, Stuart Close and Temple Grove.

The application site slopes gently upwards from east to west, occupying a plateau which is elevated above the river bank, and is currently grassed with a large number of TPO trees, mainly Oaks, Sycamores and a number of Pines, Redwoods and Spruce. The part of the site immediately adjacent to the River bank is within Flood Risk Zones 2 and 3.

## **PLANNING HISTORY**

There is an extensive planning history at the Castle, the most recent/relevant to this proposal is:

W/13/1781: Proposed use of land as a temporary medieval glamorous camping site for approximately 5 months between 17th May 2014 and 9th September 2014 only at Foxes Study, Warwick Castle: Granted 7th February 2014.

### **RELEVANT POLICIES**

- National Planning Policy Framework
- The Current Local Plan
  - DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
  - DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
  - DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
  - DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
  - DP6 - Access (Warwick District Local Plan 1996 - 2011)
  - DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
  - DP8 - Parking (Warwick District Local Plan 1996 - 2011)
  - DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
  - DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
  - DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
  - DAP2 - Protecting the Areas of Restraint (Warwick District Local Plan 1996 - 2011)
  - DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
  - DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
  - DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
  - DAP11 - Protecting Historic Parks and Gardens (Warwick District Local Plan 1996 - 2011)
  - RAP15 - Camping and Caravanning Sites (Warwick District Local Plan 1996 - 2011)
  - RAP16 - Directing New Visitor Accommodation (Warwick District Local Plan 1996 - 2011)
- The Emerging Local Plan
  - BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
  - BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
  - TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
  - TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
  - TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
  - DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
  - DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
  - PC0 - Prosperous Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

- CT1 - Directing New Tourism, Leisure and Cultural Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CT2 - Directing New or Extended Visitor Accommodation (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- CT4 - Extensions to Tourism, Cultural or Leisure Facilities in Rural Areas (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- CT6 - Camping and Caravan Sites (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- CT7 - Warwick Castle and Warwick Racecourse/St Mary's Lands (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE4 - Protecting Historic Parks and Gardens (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE6 - Archaeology (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

## **SUMMARY OF REPRESENTATIONS**

**Warwick Town Council:** Objection. Too few details are provided to assess the impact upon the Grade 1 Listed Registered Park and Garden/setting of Warwick Castle. To approve development without the necessary details would be contrary to NPPF. This application is premature before the assessment of the restoration works required as a result of the temporary glamping permission (W/13/1789). The Town Council recommend submission of a more detailed application.

**Environment Agency:** No objection, subject to conditions.

**Warwick Chamber of Trade:** Support. Grateful for the economic benefits that the Castle's visitors bring to the town. It is known from the experience of glamping that there is significant benefit to the evening economy.

**Councillor Bob Dhillion:** Support, on the following points:

- Allowing Warwick Castle to build new seasonal and permanent accommodation at the site will not only help fund the ongoing maintenance at the Castle, but will also bring more tourists into the town which will boost the local economy. In general the Castle visitors help support the town economy and local business and/or with accommodation in the form of glamping which has been extremely successful over the past couple of years.
- 1 The Castle is the focal point in Warwick which is a great local benefit and they are a good neighbour. There is no real disturbance from the events at the Castle as they always give neighbours plenty of notice of the planned events which are well managed.

- 2 The location of the visitor accommodation within Foxes Study is the most appropriate location for this type of development within the Castle grounds as it is well screened by mature woodland.
- 3 The proposed design and siting of the visitor accommodation has been carefully considered and will not affect the key historic features of the area or views around the site. No veteran trees or ancient woodland is to be removed from the site as a result of the development.
- 4 The design of the lodges and the use of natural materials are welcomed to complement the woodland setting.
- 5 It is comforting to know that the proposed development will not generate additional traffic or will require additional parking at the Castle.
- 6 It is satisfying to see that the Applicant has undertaken extensive studies to support the application and to ensure that the accommodation can be located adequately within Foxes Study, ensuring there is minimal ground and ecological disturbance.

**English Heritage:** No objection, subject to conditions following the repositioning of some of the lodges. It is essential that infrastructure is kept to a bare minimum, and it is understood that drainage/services will be achieved within the walkways. Rigorous conditions will be required to avoid associated clutter/intrusive fencing.

**CAF:** Objection. Very significant concern was expressed by all members that this proposal would cause irreparable damage to the woodland. It was felt that although the applicant has suggested this area is of lesser interest, it is part of the 18<sup>th</sup> century woodland originally with walks and would have had underplanting. The use as proposed will completely destroy all under-planted and plant life at ground level. The fencing has created an urbanisation of woodland. The planning statement completely ignores the impact on the historic landscape and dismisses it out of hand and concentrates on the more notable parts of the historic landscape. It was felt that there could be impact on the wider views from Castle Park itself including Spears Lodge. The fact that this was all in different ownership is irrelevant in terms of the maintenance of the fabric and grain of the historic parkland. It was felt that this is of national importance, there are a very limited number of Grade I listed landscapes in the country and this could have irretrievable damage particular in terms of providing permanent buildings within the landscape and allowing the landscape to be trafficked in a way that was already damaging by the 'glamping' tents. It was felt that the extensive fencing and associated works with the 'glamping' has already caused significant harm to the landscape and completely changed the character of this area of the park. It was strongly felt that the application should be refused.

**WCC Archaeology:** No archaeological comments to make on this application.

**WDC Environmental Services:** No objection, subject to conditions.



**WCC Ecology:** No objection, subject to conditions.

**Natural England:** All of the necessary species surveys (for bats and badgers) should be carried out prior to a decision being made.

**Warwickshire Wildlife Trust:** Consider that more detailed bat and badger surveys should have been submitted to enable full and thorough consideration of the impacts resulting from the proposals. Concern that human activities after occupation of the site could lead to the erosion of the river bank and WWT would like to see a 30m buffer between any new development and the river.

**Woodland Trust:** NPPF para.118 noted, which states that: *planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for and benefits of the development in that location clearly outweigh the loss.* The WT recommend further research is carried out regarding the antiquity of the woodland, submitted to Natural England for review.

**WDC Tree Officer:** No objection.

**CPRE Warwickshire:** Objection. This is a very damaging proposal which would seriously harm part of Warwick Castle's Registered Park & Garden, by converting what was historic woodland into a leisure area, which most of the original woodland has been lost. The current time-limited permission for glamping has harmed the Park & Garden already. The pitching of tents, laying of hard surfaces, and creating in effect a recreation area is wholly contrary to the purposes for which the Park & Garden were protected. Other objectors have submitted details of the harm that has been caused. Woodland that was largely undamaged in 2000 has been thinned out and the understory largely lost, causing harm to wildlife and flora. The further development of holiday lodges and 'tree houses' with a service access and other infrastructure would urbanise what is left of this woodland. This proposal should be refused on conservation grounds. The application for permanent planning permission for other buildings and use of the land for glamping tents should also be refused. They have already proved to be harmful to the woodland and the Park & Garden on the current temporary permission.

**The Garden History Society:** Objection. The development will have a significant adverse impact on heritage asset of the greatest national significance and is contrary to NPPF para.132, which requires harm to heritage assets of the highest significance (Grade I or II\*) to be "wholly exceptional". This setting of the designated landscape as a whole is considered to be of outstanding significance and attempts to dismiss Foxes Study as an area of lesser significance is at best naive, at worst deliberately misleading. Foxes Study is a significant

and integral element of the overall historic designed landscape at Warwick Castle. The document submitted in support of the application does not, in our view, provide an appropriately rigorous assessment. The opportunity to assess the impact of the temporary consent (W/13/1781) has not been taken before consent has been sought for the permanent development.

**Warwickshire Garden Trust:** Objection. Development will conflict with NPPF para.132, which requires harm to heritage assets of the highest significance to be "wholly exceptional". Warwick Castle is Grade I listed and the park and gardens are also Grade I listed. The English Heritage Guidance on settings (Consultation of 2014) is noted. The submitted Heritage and Landscape Assessment argues that the Foxes Study was not planted by Capability Brown and is therefore peripheral to the historic core of the park, this is refuted and the register makes clear that the interest of the park and gardens derives from its multi-layered history. The function of the Study is to stop the view straight down Pageant Field and deflect the eye to the river; provide a transition between the more ornamental garden and the park and view from the park back towards the Castle. Foxes Study has been allowed to thin, producing two glades and a shocking reduction in tree cover is visible in 2000-2006 aerial photographs. It was expected woodland would recover from temporary glamping (41 families over 25 weeks) an application on a permanent basis for another 45 families in units sleeping up to 7 people all year round, will rapidly destroy the quality of the woodland through wear and tear. Further potential damage from visitors. Fencing will be provided for security /privacy and will be even more intrusive than at present. Tree planting is derisory and demonstrates lack of understanding of the character of an 18th Century landscape. The present lack of public access is not a relevant factor in determining the damage that will be caused by the development and is not justified by economic arguments.

**WCC Highways:** No objection.

**WDC Health and Community Protection:** No objection

**Public response:**

There have been 21 letters of **support**, noting the following:

- The scheme will bring visitors to spend money in Warwick Town Centre shops/restaurants; the proposal will boost the local economy and generate increased footfall within the town.
- (Town Centre cafe) We have had a lot of extra trade from the introduction of the glamping.
- Change can be scary, we can't live in past and treat every new idea with hostility/cynicism. Anything supporting the town's development and encourages it to flourish is a good thing.
- A great addition to Castle facilities.
- Supports shortfall in accommodation in Warwick Town Centre; encourages short breaks; adds truly unique accommodation.

- Merlin have original, modern ideas to promote and protect our biggest asset, whose upkeep must be massive.
- It is comforting that the development will not generate additional traffic or additional parking requirements.
- The proposed visitor accommodation seems appropriate and sympathetic, well screened by woodland and can't be seen from the road.
- The lodges designed to be contextual with suitable materials.
- It is important that Warwick Castle thrives and historic buildings are maintained; the scheme provides funding for ongoing maintenance.
- No real disturbance has been experienced from events [Jury street resident]. Neighbours have plenty of notice and events are well managed.
- Pleased to see that no veteran trees/ancient woodland to be removed.
- Consider that Warwick Castle have undertaken extensive studies and effort to minimise ground/ecological disturbance.

Carols at Warwick Castle Committee note three grounds of support:

1. Financial - Restoration work continues year-on-year, works are about to start on the east front wall, costing over £1,000,000. Fabric spend brings in NO extra visitors. The Castle has to stand alone and be successful as an autonomous business within the wider Merlin Group and needs to generate additional revenue streams (without raising ticket prices) to continue upkeep.
2. Environmental - It is incumbent upon the castle owners to remain sensitive to Grade 1 listed landscape, we have confidence in this. The landscape of the grounds has evolved ever since the castle was built and Capability Brown made significant changes in the mid-18th Century. Challenging the proposed accommodation on impact to grounds is at odds with historic evolution.
3. Responsibility - The owners of Warwick Castle are hugely responsible and fully comprehend their role at the heart of the community.

There have been 46 letters of **objection**, noting the following:

- Detriment to flora/fauna; harm to protected species; and the ecosystem.
- The impact upon and loss of trees.
- The potential for light impact upon nocturnal wildlife.
- The castle and park are registered under the Historic Buildings and Ancient Monuments Act; the impact to parkland setting; the impact on the Grade 1 listed building/parks and gardens.
- The development will have a significant detrimental impact to whole landscape.
- Concerns that the Castle will be turned into a 'theme park'; being cheapened and threatened by commercialisation; and is fast becoming a 'holiday resort'.
- The Castle is to be protected for future generations; tents easily removed, log cabins not so.
- Merlin are merely custodians of a significant part of English heritage; the proposal will only provide further financial gain to owners.

- Noise; disturbance; pollution concerns to local residents; the proximity of the development extremely close to houses.
- The traffic increase; chaos to Stratford Road and traffic jams.
- Sewage concerns.
- 23 new jobs created, but will this take trade from the town's own hotels.
- Can emergency services access the site; NHS at capacity; security for site.
- The vast proportion of visitors to the Castle do not enter the town.
- History should not be tampered with.

There have been two neutral letters commenting on the scheme.

## **Assessment**

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

- 7 Principle/Impact on the heritage assets;
  - Impact upon trees;
  - Impact upon ecology/protected species;
  - Impact on residential amenity;
  - Highway safety;
  - Drainage/Flood risk;
  - Renewable energy.

## **Principle/Impact upon Heritage Assets**

The site falls within open countryside, however it is located adjacent to the Warwick Town Centre and is therefore in a sustainable location with excellent links to the Town Centre's facilities, services and public transport, encouraging linked trips. The NPPF paragraph 28 seeks to support sustainable rural tourism and leisure developments that will benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This can be through conversion of existing buildings or well designed new buildings. Local Plan Policy RAP15 states that camping or caravanning sites will not be permitted unless they can be satisfactorily integrated into the landscape without detriment to its character, are in a location accessible to local facilities and are not in areas of high flood risk.

The contribution the Castle makes to the economy of the town is clearly significant (as detailed above) and the benefits of the development in terms of supporting the Castle in its function as a major tourist attraction for the town (and region) is a material consideration to the assessment of the scheme. The NPPF paragraph 126 states that the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring should be taken into account and paragraph 131 recognises the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; and the positive contribution that conservation of heritage assets can make to sustainable communities, including their economic vitality.

Nevertheless, these positive aspects of the scheme need to be carefully balanced

against any potential harm to the heritage asset. The NPPF paragraph 132 states that when considering the impact of a proposed development great weight should be given to the asset's conservation. Substantial harm or loss to heritage assets of the highest significance, including Grade 1 Listed Buildings and Grade 1 Registered Parks and Gardens, should be wholly exceptional. Local Plan Policy DAP4 states that development will not be permitted that will adversely affect the setting of a Listed Building, Policy DAP8 requires development to preserve or enhance the appearance of Conservation Areas and Policy DAP11 states development will not be permitted if it would harm the historic structure, character, principle components and setting of Registered Parks and Gardens.

Concerns raised by The Garden History Society and Warwickshire Gardens Trust are noted. The applicant has responded to these comments directly and considers that the methodology used in both representations to be flawed, as 'substantial harm' is a high test to meet and does not occur frequently.

Such harm is considered to involve either total loss of the asset or direct or indirect effects which are so significant that the original justification for the designation is undermined. The applicant recognises that the park and gardens have significance as a whole, however they do not consider that a minor change to one element of the park gives rise to substantial harm to the asset as a whole.

English Heritage have raised no objection to the revised scheme and are aware that concern has been expressed as to the impact of this development on the Historic Park and Garden.

Undoubtedly the woodland will be less tranquil during periods when visitors are occupying the glamping site and the cabins. The point has also been raised that the wood was intended as an area of ornamental woodland and shrubbery which was meant to be visited in its own right. Nevertheless English Heritage understand the Castle's desire to have visitor accommodation on site. English Heritage consider that it is essential that the development is controlled so that it does not acquire the clutter that can be associated with development, such as extra security fences, service compounds or any other clutter which would affect the overall impact.

The Council's Conservation Officer has assessed the scheme and has commented that Warwick Castle Park is a significant garden historic landscape which has evolved over various historical periods covering 250 years. Capability Brown was perhaps the most significant designer in terms of his influence on the earlier seventeenth century parkland features, however the period of his influence is only part of the reason for the high status of the park as its further evolution and re-alignment of the Banbury Road are also of significance in the parks development.

The emphasis on the Brownian landscape features in the applicants submission does somewhat underestimate the contribution of the later developments to the whole – which is very much a series of layers – contributing to the overall significance. Foxes Study, which is the application site, is an area of woodland that appears to have been planted in the later part of these developments and as described by the Warwickshire Gardens Trust in their response to the application has a somewhat complex developmental history over a relatively short period of

time. It acted as part of boundary tree planting and also formed part of the significant view created from the conservatory - the tree planting leading the eye to the important view across the park to the hanging woods. The purpose of this area of Woodland therefore forms part of a very complex park and garden, which has at its core the Grade I and Scheduled Warwick Castle which like the park has a complex architectural history which it displays today.

The development will provide permanent timber lodges and tree houses and seasonal glamping tents for which the impact of the latter will be restored on a seasonal basis. This proposal must be considered within the context of the provision of on site accommodation at the Castle, which has been a desire of the present custodians for some years. Off-site provision has been investigated and while it may in some ways have been less controversial it was considered not to provide the desired visitor experience and outcomes, which would contribute to the castle's continuing appeal as a unique destination. Various on-site options and arrangements have been discussed with the Castle's owners and are identified to an extent in the submissions with this application. They all bring with them potential impacts on the various aspects of the historic environment, however there is no impact free solution that would fulfil the desired visitor outcomes and ultimately the overall safeguarding and maintenance of the Castle as a viable working asset.

The potential impacts of the glamping element of the proposal will be seasonal, and the applicant has stated that the grounds will be restored as part of this arrangement.

The cabins and tree houses are intended to be permanent features involving different potential effects within the landscape. As simple chalet buildings, the design and scale of the cabins and use of natural materials is appropriate within this sensitive environment. Clearly there will be an impact on the understorey planting arising from the proposals and the increased activity in this area, however the proposed use of decked pathways to contain service cables etc. above ground levels will limit ground and tree root disruption and will be beneficial in that respect. The potential visual impact of the proposals within the landscape are considered below. It should be noted that the existing boundary treatment around the glamping site is a temporary feature and a more sympathetic solution will be secured through condition.

In terms of evaluating the impact of this element of the proposal, which will result in the construction of permanent features within this part of the Grade I Park and Gardens it is considered that there are two levels of potential impact: 1) that within Foxes Study itself and; 2) that within the wider views and settings of heritage assets within the park as a whole.

With regard to the first consideration the siting of the proposals was selected for its relative separateness from other elements of the park. It is considered that if all elements associated with the proposal are contained within Foxes Study itself the physical impact is focussed on this part of the park rather than the wider setting.

From the plans and submitted reports it is considered that containment has been the primary objective of the overall design of the proposal. In order to ensure that any potential wider visual impacts are dealt with appropriately, planning conditions are proposed, particularly in terms of access points, boundary treatments, light sources etc.

With regard to wider potential impacts within the park and garden concerns were originally expressed by English Heritage that the cabins would be visible outside Foxes Study and the Garden History Society and Warwickshire Gardens Trust have expressed concerns at similar views and views from the island.

In response the proposed scheme has been revised to address English Heritage's concerns and as a result the visibility of the cabins will be largely restricted to within the woodland itself. No issues were raised with the location of the tree houses. The glamping element of the scheme will continue to be visible from the island however it is considered that the impact is seasonal, in a similar manner to the use of other tents within the Castle grounds such that this is considered to be acceptable in visual terms - historically scout camps and other forms of tentage did form part of country house landscapes especially in the early twentieth century.

The prime view from the conservatory is largely unaffected (an application for a children's play area in a location that would have significantly impacted on this view was refused some years ago). There will be a view of the glamping area looking from a vantage point east of the conservatory, through a break in the trees, however as with the island view it is not considered to be of major significance or detriment. In terms of the proposed tree planting upon which the Warwickshire Gardens Trust have commented, this will be addressed by condition to secure a historically researched and appropriate schedule of planting.

In terms of the overall visual impact of the revised proposals on the historic park and garden, subject to the appropriate conditioning of details of proposed boundary treatments and planting it is considered that any potential impact arising from this proposal is essentially limited within Foxes Study itself. As set out above, the applicant has sought to limit the physical impact within the immediate area by means of the design and servicing of the proposed lodges/tree houses, glamping facilities and associated service tents.

That being the case it is considered that the impact of the proposals amounts to less than substantial harm to the Castle Park and Castle historic assets and therefore that the application should be considered in the context of paragraph 134 of the NPPF.

That paragraph states that where development will lead to 'less than substantial' harm to the significance of a designated heritage asset, as in this case, any such harm should be weighed against the public benefits of the proposal including securing the optimum viable use of the heritage asset.

In this context it is considered that this unique proposal to provide visitor accommodation on site will significantly contribute to the sustainability and safeguarding of the Castle in its present form as both a visitor attraction in the area and a suitably protected and maintained historic building. As set out above it is also considered that the positive benefits likely to accrue to the local economy from the ongoing viability of the Castle and grounds are significant material considerations in support of the proposed development.

The Conservation Officer seeks to qualify that it is considered that cumulative harm of a less than substantial nature to part of a heritage asset, when multiplied, can lead to substantial harm, however it is not considered that this development is in any way forming part of a cumulative situation at the Castle at this present time.

Officers note that the tents are easily removed and although the lodges and tree houses are permanent they have a certain transitory nature and are removable in the longer term. Following a recent site visit Officer's can report that all seasonal glamping tents associated with the temporary permission W/13/1781 have been removed and although a 'terra lift' is awaited for the access track there appears to have been minimal compaction of the soil beneath the glamping tents and no impact to surrounding trees.

Accordingly it is considered that in accordance with paragraph 134 of the NPPF, the less than significant harm arising from the proposed scheme is outweighed by the other material benefits which will accrue from it.

It is also considered that the nature of the proposed development, including its well screened location and the sympathetic design of the lodges and their materials (submitted under the full part of the planning permission) will preserve the appearance of the Warwick Conservation area.

On balance, the proposal is therefore considered to be acceptable in principle.

### **Impact upon trees**

The Council's Tree Officer has assessed the amended scheme and has raised no objection to the proposed layout, tree protection plan and arboricultural method statement including in respect of the mini-pile foundation details, which are proposed for the lodges and board walk routes through the site, which are designed to prevent damage to the trees and their rooting systems. Dimensions for the protective tree boxes (a physical plywood box formed around the lower trunk of the tree) have been agreed and added to the Tree Protection Plan.

With regard to the proposed additional tree planting the Tree officer has recommended changing the proposed semi-mature Alder *Alnus saethii* with an alternative form of Chestnut *Aesculus x neglecta*, which is known for its autumn colour and its resistance to many of the problems our more common horse chestnut suffers. The Tree Planting Plan has been amended accordingly.

The Tree Officer has also asked for revised drainage details to ensure that the discharge of surface water from the proposed roof structures returns to the host



tree's root protection area. An amended scheme has been submitted to provide a gravel filled 'blanket' laid on the soil. This approach will allow water to percolate through the 'blanket' on to the soil and recharge vertically at rates similar to that experienced by the trees now. The Tree Officer considers the revised proposals to provide an appropriate amended solution.

The Woodland Trust's concerns are carefully noted. The applicant has responded, noting that the site is not currently included within Natural England's Ancient Woodland Inventory following an assessment undertaken in June 2014, which concluded that the application site did not qualify for inclusion. Nevertheless it is recognised that there are a number of aged and veteran trees on the site and the proposed development has been designed specifically to avoid any detrimental impact upon these trees. The applicant notes that the London Plane Tree referred to by the Woodland Trust is not located within the application site.

It has been stated that all mature and veteran trees will be retained within the design scheme which WCC Ecology encourage and welcome recommending that a condition is attached to ensure that these trees are protected with an appropriate tree protection buffer. The Ecologist notes that Veteran trees are an important and irreplaceable biodiversity resource and therefore it is important that they are not harmed by development. As recommended by the Tree Officer WCC Ecology also recommend all trees that are not to be removed should be protected against possible root damage and soil compaction through appropriate mitigation such as the incorporation of appropriate buffers for excavation machinery and ecological supervision of excavations which may occur near to important features such as mature trees.

### **Ecology Impact**

The County Ecologist notes that Warwick Castle Park is part of Ecosite 120/26 Warwick Castle Park, an important complex of woodland, old parkland, veteran trees, wetland, scrub, river and reedbeds. Several areas of the wider Ecosite have been designated as Local Wildlife Sites or identified as potential Local Wildlife Sites. The application site has no specific conservation status; however, it consists of an area of historic semi-natural broad-leaved woodland / parkland, which is an important habitat. The site lies immediately adjacent to the River Avon, Local Wildlife Site (LWS). There are many records of protected and notable species in the surrounding area including otters, bats, reptiles, amphibians, rare plants and notable invertebrates.

Following detailed inspections of the site the Ecologist considers that the development (within each phase) can be controlled by conditions, including a Construction and Environmental Management Plan (CEMP) that will take consideration of protected species of concern during each phase.

A draft bat survey of the trees has also been prepared by the applicant, which shows that only one of the trees to undergo arboricultural works is considered to have a high potential to support bats. The Ecologist agrees with the recommendations made within the report that a precautionary approach is taken.

Lighting will need to be sensitive to avoid any adverse impact upon nocturnal species. The applicant has confirmed that all lighting would be in line with the Bat Conservation Trust's Guidance Document 'Bats and Lighting in the UK' Jan

2008 and the Ecologist has requested a condition to secure an acceptable lighting scheme.

### **Impact on residential amenity**

The Council's Environmental Health Officer is mindful of the concerns raised by local residents with regard to noise and disturbance. The main access point for arriving/exiting guests will be the Stratford Road entrance. The EHO considers that an appropriate solution to the potential for any increased noise and disturbance arising from the proposed uses would be a comprehensive management plan (i.e. traffic and pedestrian movements, site access and egress, restrictions on outdoor activities, curfews and check in times, stewarding of the site, as well as deliveries) to be reviewed by both the Council and Warwick Castle on an annual basis. The applicant has agreed to this approach by means of a condition.

In terms of plant and equipment a noise assessment has been submitted. The EHO notes that the sub-station will be enclosed in a solid brick structure located some 50m from the closest residential boundary, however to ensure that residents are not disturbed an appropriate condition has been suggested by the EHO to ensure the background noise level is not significantly exceeded by plant noise. A construction method statement has also been requested to minimise disturbance during construction works.

The EHO is satisfied that there are no contaminated land issues and has confirmed that the design of the buildings, raised above ground level with a void beneath the floor, will not require any gas mitigation measures.

Accordingly with suitable conditions the scheme is not considered to result in any significant impact upon the amenities of the occupiers of surrounding properties.

### **Highway safety**

The Highway Authority have assessed the supporting Transport Assessment and does not consider that any additional trips associated with the proposed use will be detrimental to public highway safety, particularly as trips associated with the development is likely to occur outside of the castle's peak operating hours. The Highway Officer considers there to be sufficient parking within the site and notes that several public car parks are available in close proximity to the site in addition to an overflow car park. The existing Stratford Road access is to standards and will enable two vehicles to pass each other within the access without obstructing the public highway. There is also a ghost island on Stratford Road, preventing vehicles waiting to turn right into the site from obstructing the flow of traffic. The Highway Authority therefore raises no objection to the scheme.

### **Drainage/Flood risk**

The eastern edge of the application site falls within Flood Zone 2/3. To meet the Tree Officer's requirements amendments have been made to the surface water irrigation strategy, which ensures that the disposal of roof water is directly to a granular storage blanket located beneath the footprint of the proposed lodges / treehouses. The granular storage blanket would allow runoff to naturally disperse through adjacent soils, thus ensuring no reduction in water supply to immediate surrounding trees. The applicant notes that whilst the infiltration potential of

surrounding soils is extremely limited, the voids within the granular storage blanket would provide sufficient capacity to store the difference in volume pre and post-development for the 1 in 100 year six-hour event in accordance with the requirements of the "Interim Code of Practice for Sustainable Drainage Systems". A set of calculations is attached which confirms the pre-development (greenfield) runoff volume for the lodge footprint to be 0.6m<sup>3</sup>, with the post-development runoff volume associated with the impermeable area for the lodge footprint calculated to be 1.9m<sup>3</sup>. The granular storage blanket would provide a total storage volume of 3.0m<sup>3</sup> thus accommodating the difference in volume pre and post-development for the 1 in 100 year six-hour event of 1.3 m<sup>3</sup> with a residual 1.7m<sup>3</sup> of storage for exceedance. In the event that the capacity of the storage blanket was exceeded, surface water could overtop and follow the sites natural flow pattern to the River Avon. All lodges will be erected on stilts with interlinking boardwalks for access, so there would be no risk of buildings being affected by such overland flows.

Health and Community Protection have raised no objection to this solution. The Environment Agency have also raised no objection, subject to conditions to secure implementation of mitigation measures, finished floor levels and safe access/egress routes for visitors.

### **Health and Wellbeing**

Matters of residential amenity in terms of noise and disturbance have already been assessed. There are considered to be health and well-being benefits to individuals able to enjoy short breaks and experience the attractions that Wawick Castle has to offer, including the town and immediate countryside. Attracting additional visitors to the town and the associated spending power and economic benefits that this is likely to bring are also considered to be highly positive for the town's residents and shop owners.

### **Renewable Energy**

The seasonal glamping tents will have low energy light fittings and small power circuits for charging mobile phones/lap tops etc. The lodges and tree houses have their own facilities and it is proposed to provide a energy efficient boiler to each of the lodges to provide heating and hot water. Energy demand is likely to be low compared to that of a permanent place of residence and renewable technology is unlikely to be visually sympathetic to the well-designed lodges given their context. The requirement for renewables on each individual unit of visitor accommodation is therefore considered necessary.

The applicant has confirmed that the facilities building will have renewable technology in the form of air source heat pumps. The size/location of these units can be successfully controlled by condition. As previously mentioned a condition has been suggested by the EHO to ensure the background noise level is not significantly exceeded by plant noise.

### **Summary/Conclusion**

In the opinion of the Local Planning Authority, the proposed development is acceptable in principle and does not adversely affect the historic integrity, character or setting of the listed building or the registered park and garden. The detailed part of the permission provides an acceptable standard of design and

preserves the character and appearance of the Conservation Area and does not adversely affect the amenity of nearby residents. The proposal is therefore considered to comply with the policies listed.

## **CONDITIONS**

- 1 Details of the means of access to the building(s) and site, appearance of the building(s), landscaping of the site and its relationship with adjoining development, and the scale of building(s) (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out in full accordance with these reserved matters as approved. **REASON:** To comply with Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2010 (as amended).
- 2 Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission. **REASON:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).
- 3 The development to which this permission relates shall begin within three years of the date of this permission or within two years of the final approval of the reserved matters, whichever is the later. **REASON:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).
- 4 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 8459/03 Rev A, 010 P5, 01 2/2 Rev A, 060 P4, 100 P5, 101 P5, 102 P5, 130 P3, 131 P1, 132 P1, 135 P1, 140 P3, 220 P1, 230 P3, 231 P1, 235 P4, 250 P1, 300 P5, 301 P5, 302 P5, 303 P5, 330 P3, 332 P1, 331 P3, 333 P1, 335 P3, 336 P3, and specification contained therein, submitted on 28/08/14, 03/09/14, 15/10/14, except as required by conditions 5 to 15. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 5 No development shall take place in the areas identified as Outline Applications (Drawing No. WCV JTA PR AL 063 P7) Until a Protected Species Contingency Plan has been submitted to and approved in writing by the planning authority. The plan shall include:
  - Further bat survey of the site, to include appropriate activity surveys in accordance with BCT Bat Surveys – Good Practice Guidelines, has been carried out and a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the District Planning Authority. Any approved mitigation plan shall thereafter be implemented in full.
  - a) A detailed badger survey, including a bait marking study, has been carried out by a suitably qualified badger consultant and has been submitted to and approved in writing by the District

Planning Authority. Any approved mitigation plan shall thereafter be implemented in full.

**Reason:** To ensure that protected species are not harmed by the development in accordance with National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Saved Policy DAP 3 of the Warwick District Local Plan.

- 6 Each phase of the development hereby permitted shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. In discharging each part of this condition the LPA will require details concerning pre-commencement checks for protected and notable species with subsequent mitigation and monitoring, as deemed appropriate. In addition appropriate working practices and safeguards for other wildlife dependent of further survey work, that are to be employed whilst works are taking place on site. The plan will also include measures to prevent contamination of the Local Wildlife Site and watercourse the River Avon both during and after development. In accord with the Pollution Prevention Guidelines produced by the Environment Agency. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full. **Reason:** To ensure that protected species are not harmed by the development in accordance with National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Saved Policy DAP 3 of the Warwick District Local Plan.
- 7 Each phase of the development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the District Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as water bodies, native species planting, wildflower grasslands; woodland creation/enhancement, provision of habitat for protected species. Such approved measures shall thereafter be implemented in full. **Reason:** To ensure that protected species are not harmed by the development in accordance with National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Saved Policy DAP 3 of the Warwick District Local Plan.
- 8 No phase 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, *in particular the veteran trees*, to be retained on site has been submitted to and approved in writing by the District Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837: 2005, a Guide for Trees in relation to construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the grounds levels be altered or any excavation

take place without the prior consent in writing of the District Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **REASON:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.

9

No phase of the development shall take place until a detailed lighting scheme has been submitted and agreed between the applicant and the local planning authority. In discharging this condition the District Planning Authority expects lighting to be restricted around the boundary edges, around known bat roosts and badgers setts, and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife. This could be achieved in the following ways:

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

The agreed scheme to be fully implemented before/during development of the site as appropriate. **Reason:** To ensure that protected species are not harmed by the development in accordance with National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Saved Policy DAP 3 of the Warwick District Local Plan.

- 10 The use of the site (or any phase of development) permitted by this permission shall not be undertaken until an Operational Management Plan relating to the activities to be carried out pursuant to this planning permission has been submitted to and approved in writing by the Local Planning Authority. Upon receipt of the written approval, the agreed Operational Management Plan shall be implemented in full and thereafter all activities taking place pursuant to this planning permission shall be carried out in accordance with its provisions. The Operational Management Plan shall be reviewed annually with each review submitted to and agreed in writing by the Local Planning Authority and implemented accordingly. **Reason:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

- 11 The development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which has been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for: any temporary measures required to manage traffic during construction, measures to

control noise and light nuisance, plans and details for the turning and unloading and loading of vehicles within the site during construction, dust suppression, demolition or clearance works, details of wheel washing, restrictions on burning and details of all temporary contractors buildings, plant and storage of materials associated with the development process. **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 DP2, DP6, DP8 & DP9 of the Warwick District Local Plan 1996-2011.

- 12 Each phase of development shall be carried out only in full accordance with sample details of the facing and roofing materials for the permanent buildings, which shall have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policies DP1, DAP4, DAP8 and DAP11 of the Warwick District Local Plan 1996-2011.
- 13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no gate, fence, wall or other means of enclosure shall be erected or constructed without a detailed scheme having first been submitted to an approved in writing by the local planning authority. All details shall be carried out as approved and shall not be altered in any way. **REASON:** That having regard to the sensitive nature of the application site it is important to ensure that no further development is carried out which would detract from the appearance of the area in accordance with Policies DP1, DAP4 and DAP11 of the Warwick District Local Plan 1996-2011 and the aims and objectives of the NPPF 2012.
- 14 No development shall take place (for each phase) until details of doors, windows (including a section showing the window Reveal, heads and cill details), eaves, verges and rainwater goods for the permanent buildings, at a scale of 1:10, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. **REASON:** To ensure the character and appearance of the buildings are appropriate to their setting in accordance with Policies DP1, DAP4, DAP8 and DAP11 of the Warwick District Local Plan 1996-2011.
- 15 The development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. **REASON :** To ensure that adequate provision is made for the

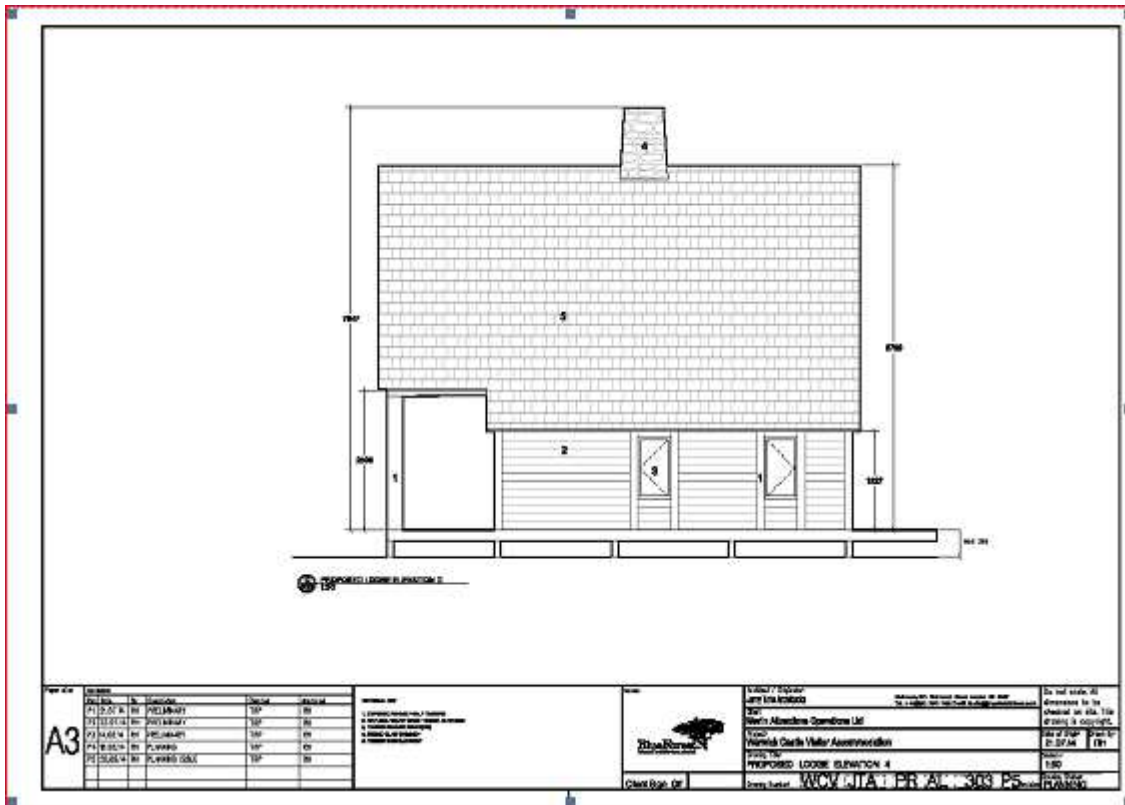
generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

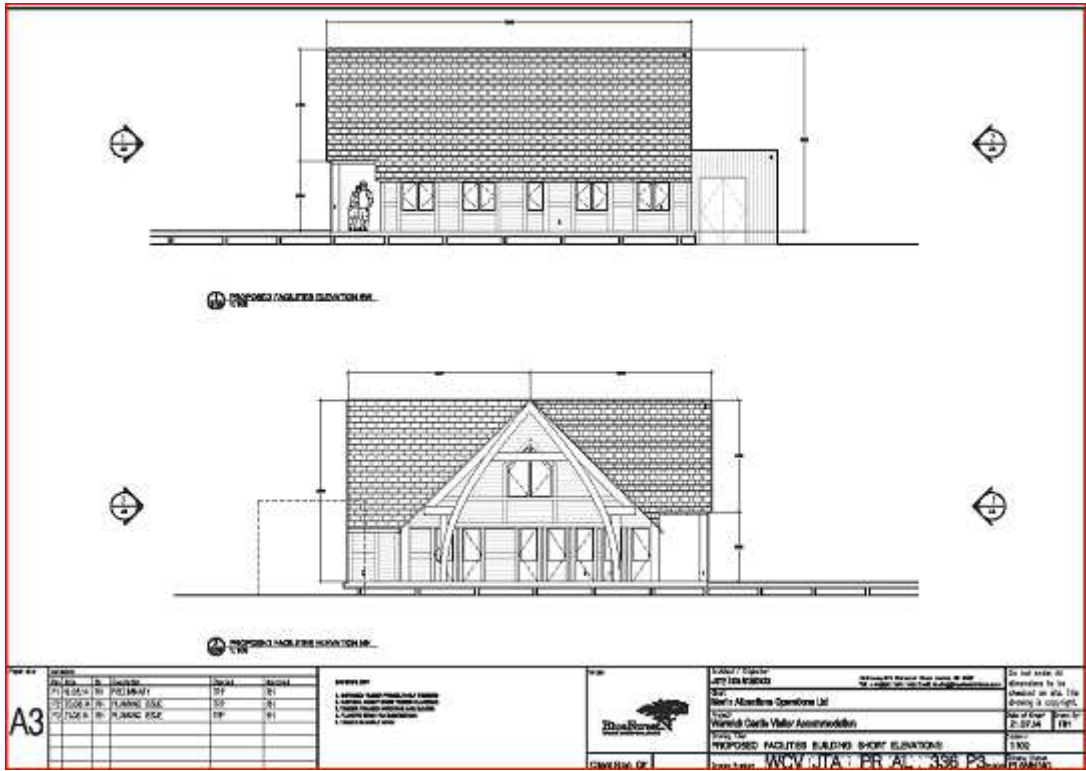
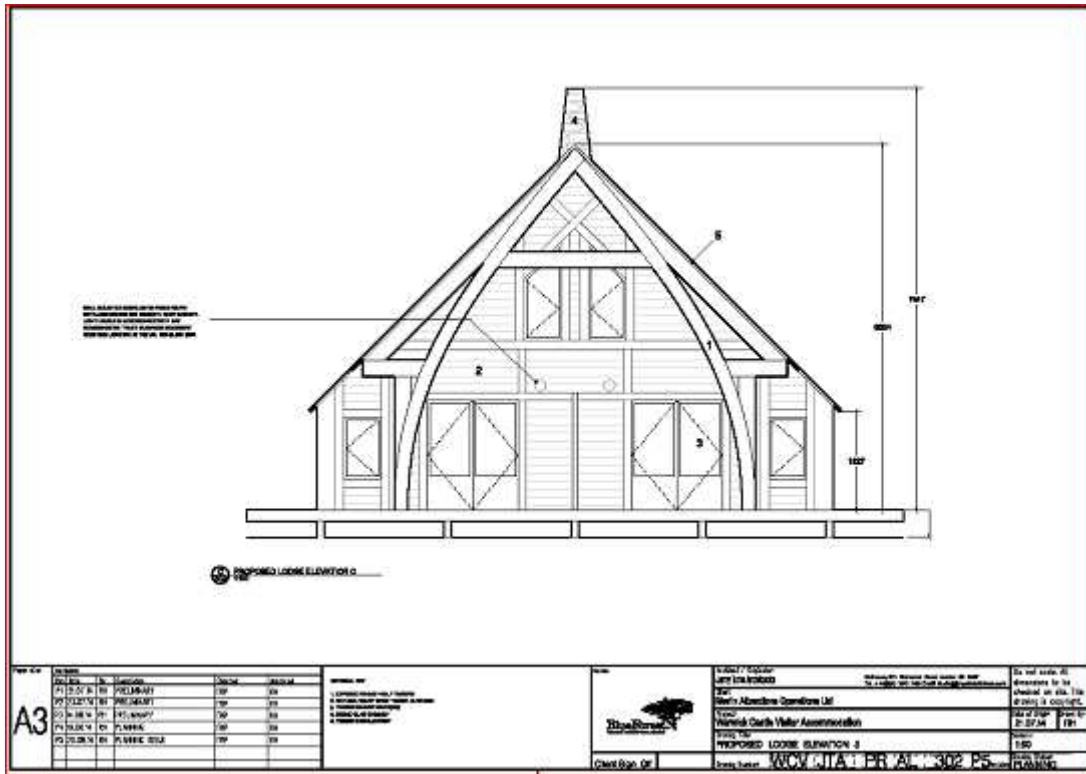
- 16 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated 27 August 2014 reference 13142/GC/FRA undertaken by Simpson Associates and the following mitigation measures detailed within the FRA:
1. Finished floor levels are set no lower than 46.62 m above Ordnance Datum (AOD).
  2. Access and egress routes to all lodges will be set above the 1 in 100 year flood level of 46.04 m above Ordnance Datum (AOD).
  3. All treehouses and lodges will be located outside of the 100 year floodplain extent (Flood Zone 3) as identified on drawing 13142:SK05 included in Appendix E of the Flood Risk Assessment.
- The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme. **Reason:** To reduce the risk of flooding to the proposed development and future the site, to ensure safe access and egress from and to the site and to prevent flooding elsewhere by ensuring that flood plain storage is not lost as a result of the development in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011 and the aims and objectives of the NPPF 2012.
- 17 The seasonal glamping tents hereby permitted and associated seasonal support facilities/infrastructure shall only be occupied between 1st May and 30th September each year. Annual works to erect these structures/facilities shall not start more than 3 weeks before 1st May and all seasonal structures, facilities and infrastructure shall have been completely removed within two weeks after 30th September with land that was beneath removed structures restored to its former condition. Where visible compaction of soil has occurred land shall be re-instated to former levels using terrain aeration techniques within one month of the structures removal. **REASON:** To ensure that demountable structures relating to the seasonal element of the scheme hereby permitted are not unnecessarily retained on site and reduce the likelihood of visual deterioration, which may cause the structures/land to become injurious to the amenities of the area contrary to Policies DP1, DAP4, DAP8 and DAP11 of the Warwick District Local Plan 1996-2011 and the aims and objectives of NPPF 2012.
- 18 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no further development shall take place within the curtilage of any permanent building hereby permitted. **REASON:** That having regard to the nature and justification for the proposed development and its context it is important to ensure that no further development is carried out which would detract from the appearance of the area in accordance with Policies DP1, DAP4, DAP8 and DAP11 of the Warwick District Local Plan 1996-2011.

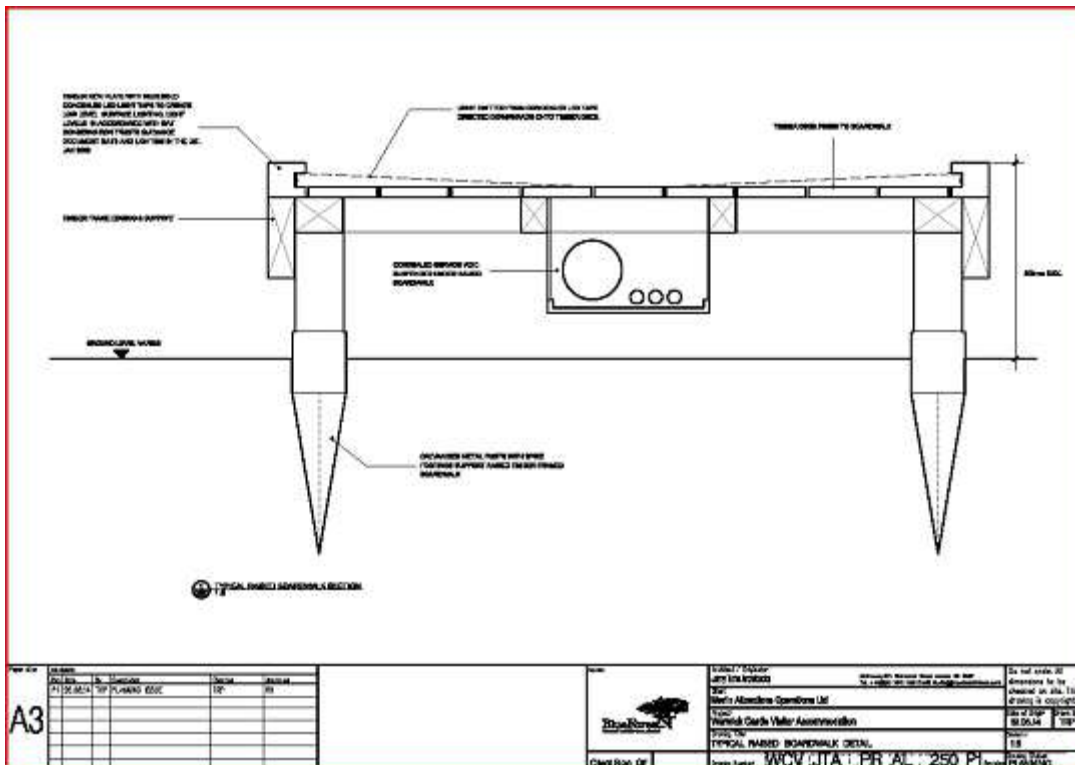
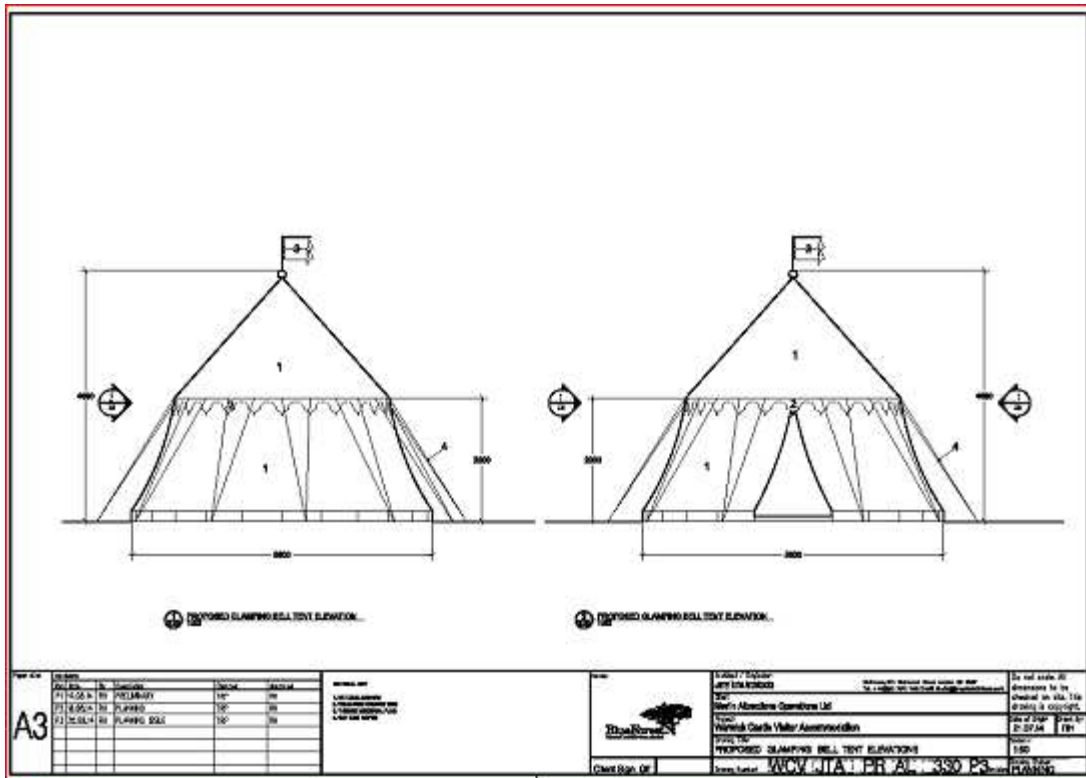


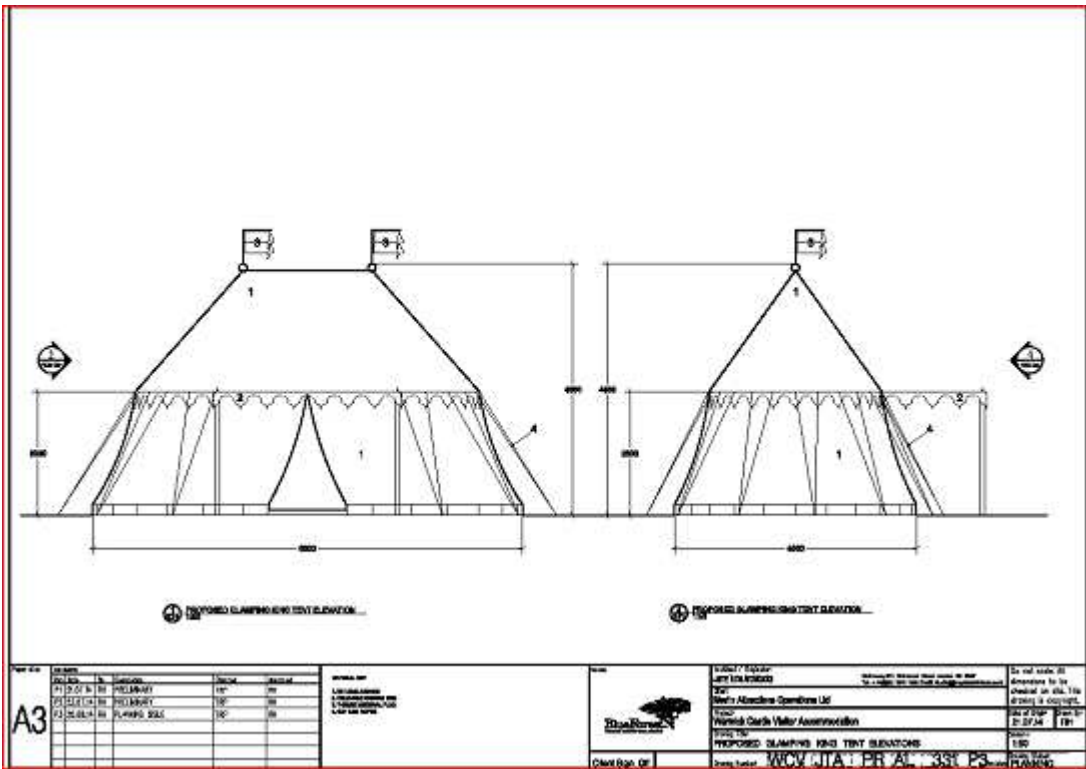
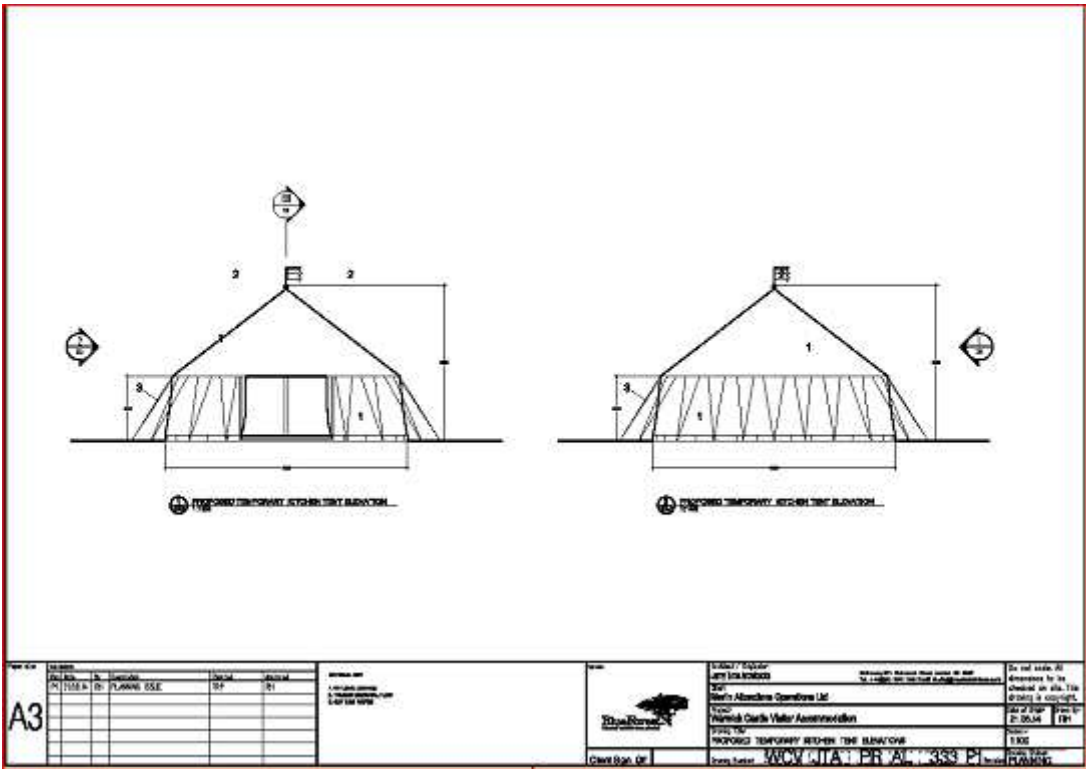
- 19 Should the holiday accommodation permanently cease to be required for those purposes the lodge and tree house buildings shall be completely removed from site and the land restored to its former condition. **REASON:** The retention of redundant buildings on site after their need has gone could lead to their deterioration which may cause the buildings to become injurious to the amenities of the area by virtue of an unsightly appearance contrary to Policies DP1, DAP4, DAP8 and DAP11 of the Warwick District Local Plan 1996-2011 and the aims and objectives of NPPF 2012.
- 20 The visitor accommodation hereby approved shall only be used as short term holiday lets and shall not be occupied by an individual, family or group otherwise than for holiday use only. Holiday use means for occupation over a set period of recreation away from the sole permanent place of residence. The visitor accommodation shall at no time be used for the purposes of permanent residential accommodation. **REASON:** To ensure that approved visitor accommodation is not used for unauthorised permanent residential occupation, which would create sub-standard units of permanent residential accommodation and in the interests of protecting the Grade 1 listed building, park and garden in accordance with Policies RAP1, DAP4 & DAP11 of the Warwick District Local Plan 1996-2011 and the aims and objectives of the National Planning Policy Framework 2012.
- 21 Noise arising from any plant or equipment at the site, when measured one metre from the façade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB(A) measured as LAeq(5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone ( whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **Reason:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.
-











**Planning Committee:** 11 November 2014

**Item Number: 11**

**Application No:** [W 14 / 1422](#)

**Town/Parish Council:** Rowington

**Registration Date:** 29/09/14

**Case Officer:**

Helena Obremski

**Expiry Date:** 24/11/14

01926 456531 Helena.Obremski@warwickdc.gov.uk

**Cornerways, Rookery Lane, Lawsonford, Solihull, B95 5ER**

Erection of replacement garage with room over with link to the main dwelling.  
FOR Miss Jennens

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

**RECOMMENDATION**

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

**DETAILS OF THE DEVELOPMENT**

The applicant seeks to demolish and rebuild the existing double garage to the side of the main dwelling, with a room above and two pitched dormer windows to the rear roof slope of the garage. The applicant also seeks to link the proposed replacement garage to the main dwelling by way of a modest utility room extension. An identical scheme to that now proposed was approved under planning permission ref: W/10/0131, however, that permission has now lapsed.

**THE SITE AND ITS LOCATION**

The application property is a detached dwelling, positioned on a corner plot towards the outskirts of the village, with a detached double garage to the side and driveway parking to the front of the property. The application site has agricultural fields to the rear of the property and lies within the Conservation Area and Green Belt.

**PLANNING HISTORY**

6503 - Permission granted for the proposed erection of a two storey front extension.

W/09/0917 - Permission granted for the demolition of the existing garage and replacement with room over, with link to the main dwelling.

W/10/0131 - Permission granted for the replacement of the existing garage with room over and erection of a link utility room (amendment to W/09/0917).

## **RELEVANT POLICIES**

- National Planning Policy Framework

### The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)
- RAP2 - Extensions to Dwellings (Warwick District Local Plan 1996 - 2011)

### The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H14 - Extensions to Dwellings in the Open Countryside (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

### Guidance Documents

- The 45 Degree Guideline (Supplementary Planning Guidance)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)

## **SUMMARY OF REPRESENTATIONS**

**Rowington Parish Council** - No objections to the proposal subject to compliance with current policy regarding overall percentage increase of residential extensions.

**WCC Ecology** - No objection, recommend notes relating to bats and nesting birds as protected species be attached to any approval granted.

## **ASSESSMENT**

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



- The impact on the character and appearance of the area
- The impact on the living conditions of nearby dwellings
- The impact on the character and appearance of the Conservation Area
- The impact on the Green Belt
- Renewable Energy
- Ecological Impact
- Health and Wellbeing

### 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 1996 - 2011 policy DP1 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 Emerging Local Plan 2011 - 2029 policy BE1 echoes the existing Local Plan and calls for development to be constructed using the appropriate materials and to enhance the existing settlement. Finally, the Residential Design Guide sets out steps which must be followed in order to achieve good design in terms of the impact on the local area; the importance of respecting existing importance features; respecting the surrounding buildings and using the right materials.

The proposed replacement garage will be visible within the street scene as it will be positioned to the side of the application property. The use of flat roofs within the Conservation Area are not generally considered as appropriate design, therefore the replacement of the incongruous flat roofed structure with one with a dual pitched roof with clay tiles to match those of the main dwelling is considered to be an enhancement. The walls of the proposed garage and extension will also be rendered to match the main dwelling which will respect the character and appearance of the application property. Even though the height of the garage will be increased to accommodate the room above, it will be set down from the main dwelling to create a subordinate extension. The link at the rear of the property is mainly shielded by the garage and main dwelling, and is of modest proportions, which still gives the impression that the garage is an ancillary structure. Furthermore, the dormers to the roof will be positioned on the rear roof slope of the garage and will therefore have no impact on the street scene. The proposal is therefore considered to comply with the NPPF, existing Local Plan policy DP1 and emerging Local Plan policy BE1.

### The impact on the living conditions of nearby dwellings

Warwick District Council's adopted Local Plan policy DP2 and emerging Local Plan policy BE3 require all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a requirement for development not to 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 SPG provides a framework for policies DP2 and BE3,

which stipulates that extensions should not breach a 45 degree line taken from a window of nearest front or rear facing habitable room of a neighbouring property.

White Horse Cottage is positioned opposite the application site and sits at a 90 degree angle to the proposed garage. Although there would be a conflict with the 45 degree line from a window to a habitable room to the front elevation of this neighbour's property, as the sites are separated by a driveway and a road, and as the proposed garage will actually be marginally further away from White Horse Cottage, it is not considered that this would have such a detrimental impact which would warrant a reason for refusal of the application.

There are no other neighbours which could be impacted as a result of the proposed development. Therefore, the proposal is considered to comply with existing Local Plan policy DP2 and emerging Local Plan policy BE3.

#### The impact on the Conservation Area

Warwick District Local Plan policy DAP8 requires development to preserve or enhance the special architectural and historic interest and appearance of Conservation Areas. Emerging Local Plan policy HE2 states that development should respect the setting of Conservation Areas and should not impact on important views or groups of buildings from inside and outside of the boundary. Adopted Local Plan policy DAP9 relating to unlisted buildings in Conservation Areas reiterates this by stipulating that alterations and extensions should be refused where they adversely affect the character, appearance or setting of a Conservation Area.

The proposed replacement garage is considered to be of an improved design and appearance over the existing flat roofed structure which would enhance the character and appearance of this part of the Conservation Area, whilst retaining the character of the main dwelling. The proposed matching materials used to construct the garage are considered to be appropriate and will respect the application property. It is also noted that the Council's Conservation Architect has not objected to the application. Therefore, it is considered that the proposal complies with existing Local Plan policy DAP8, DAP9 and emerging Local Plan policy HE2.

#### The impact on the Green Belt

The NPPF states that extensions within the Green Belt should not result in disproportionate additions over and above the size of the original building and existing Local Plan policy RAP2 and emerging Local Plan policy H14 reinforce this by stipulating that proposals should retain the visual dominance of the original dwelling. Development should retain the openness of the rural area and not alter the scale, design or character of the original dwelling. Paragraph 8.25 of existing Local Plan policy RAP2 states that extensions which represent an increase of over 30% excluding any outbuildings would be considered disproportionate in the Greenbelt.

Owing to the fact the application property already benefits from a two storey front extension and the link between the proposed garage, this will lead to an

increase in gross floor space above the original dwelling of 85%. Rowington Parish Council have raised an objection to the application based on the fact that the proposal does not comply with the guidance within adopted Local Plan policy RAP2. Although the application exceeds the guideline figure of 30%, it is considered to comply with the Policy in terms of design and appearance as the garage will be set down from the main dwelling and still has the appearance of an ancillary outbuilding despite the link. The garage is not considered to be a disproportionate addition to the main dwelling and does not alter the scale or character of the application property as its visual dominance is retained. It is not considered that the development will have a detrimental impact on the openness of the Green Belt. Therefore, in this context, the proposal is considered to comply with the NPPF, existing Local Plan policy RAP2 and emerging Local Plan policy H14.

### Renewable Energy

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

### Ecological Impact

WCC Ecology have commented on this application site, however, they consider that a cautionary bat note and nesting bird note would be sufficient and that this application in its present form is acceptable and complies with existing Local Plan policy DP3 and emerging Local Plan policy NE2.

### Health and Wellbeing

N/A.

## **CONCLUSION**

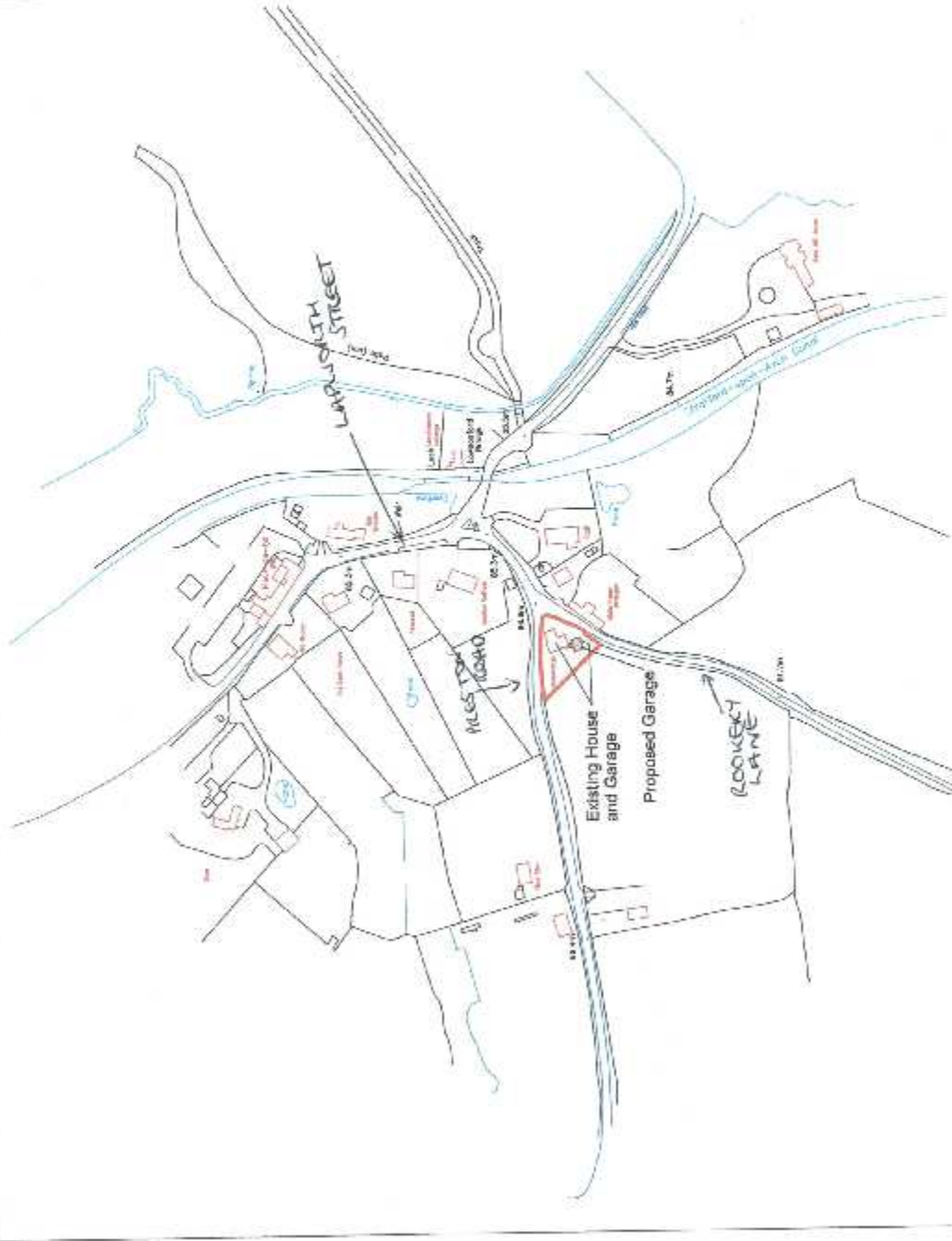
In conclusion, the proposed replacement garage and utility room link extension are considered to be of acceptable design and scale which would not impact adversely on the on the character or appearance of the street scene and do not substantially impact on the amenity of neighbouring properties, the Green Belt or the Conservation Area which would support a reason for refusal.

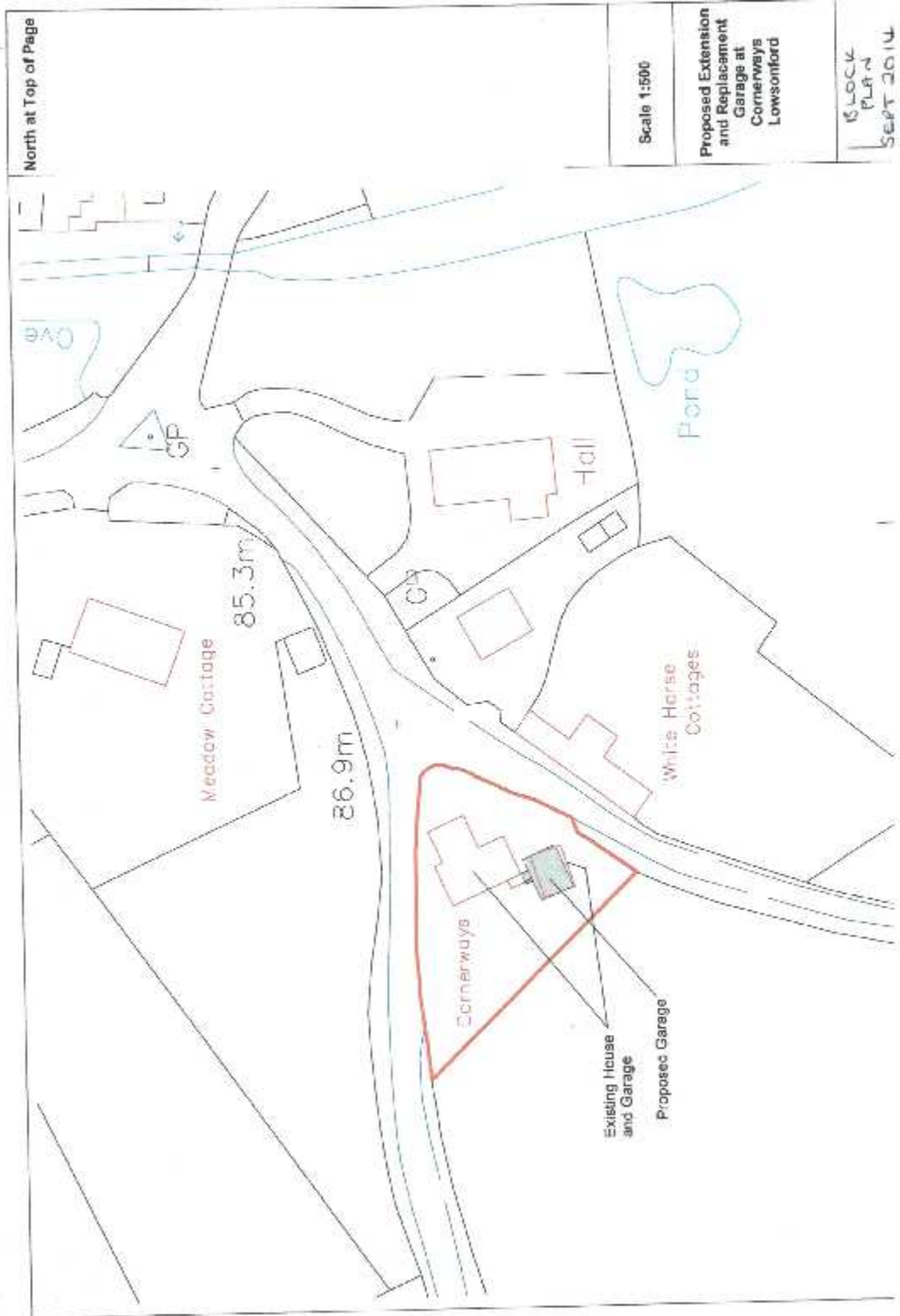
## **CONDITIONS**

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings, and specification contained therein, submitted on 24th September 2014. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

- 3 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.

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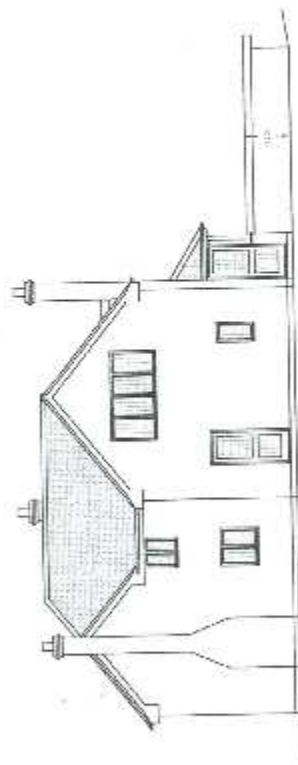








Side 1 Elevation



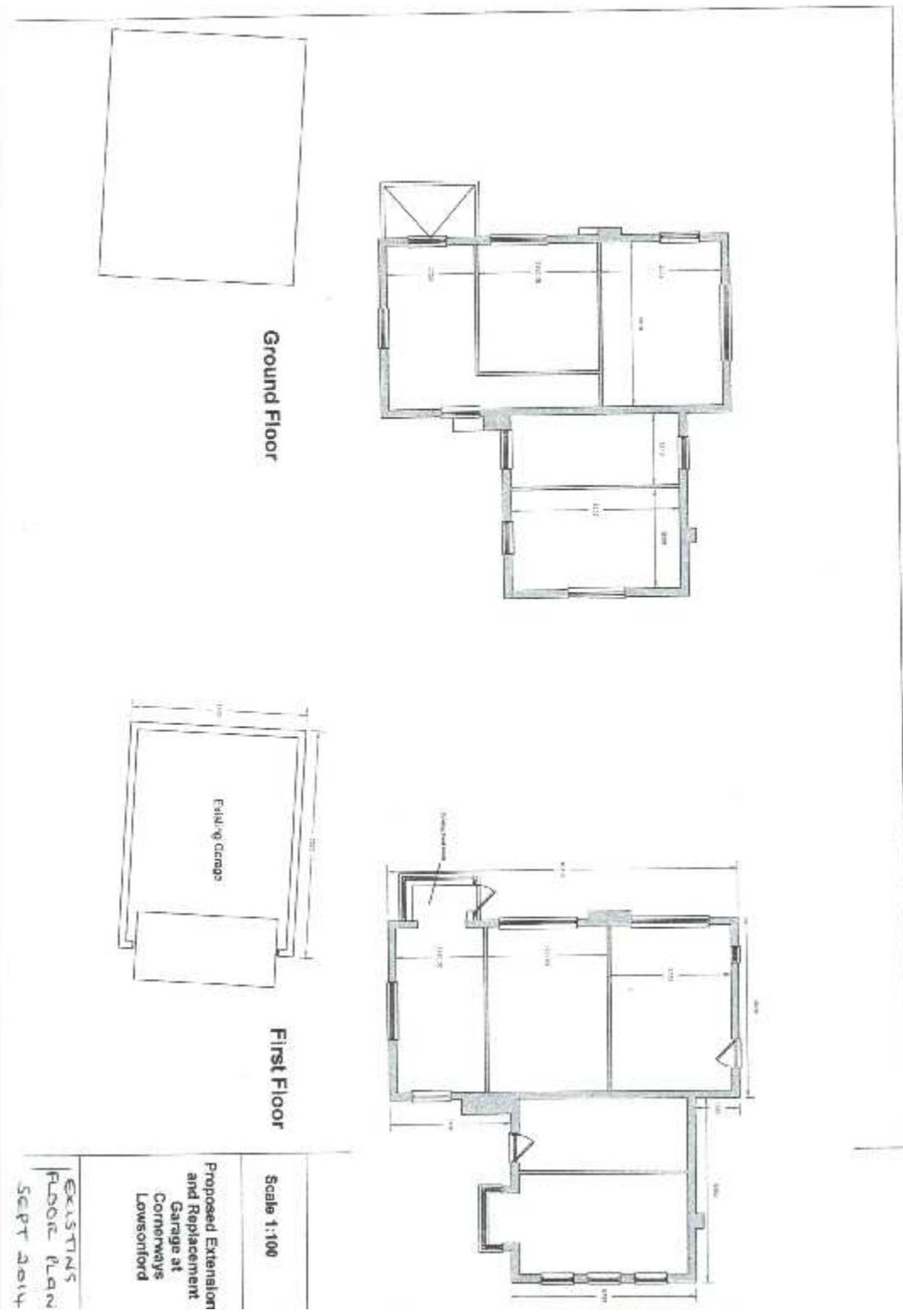
Side 2 Elevation

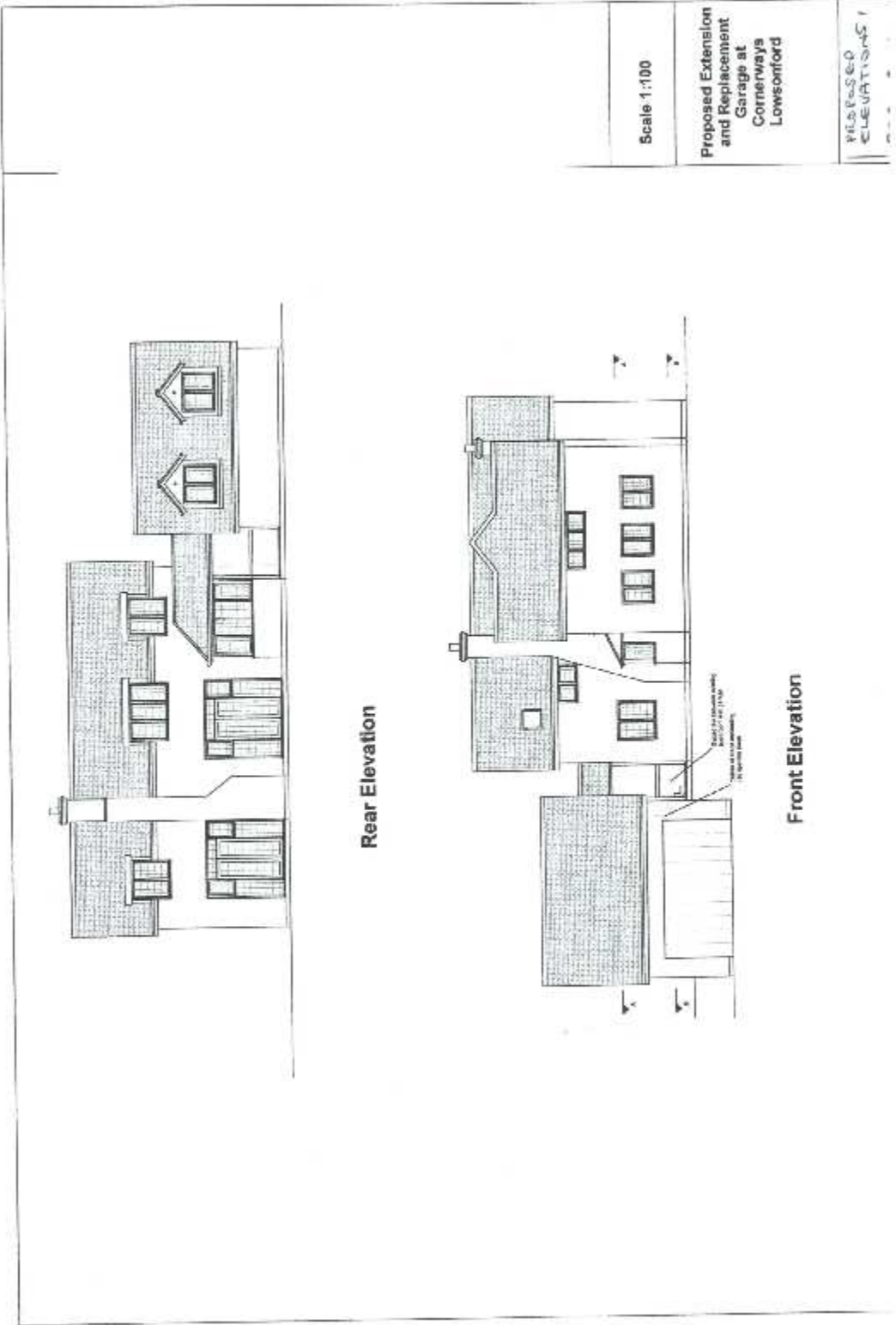
Scale 1:100

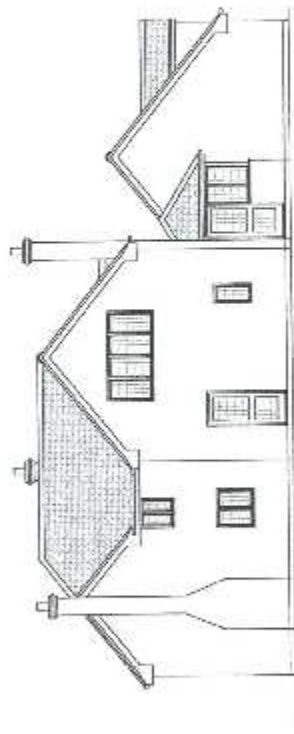
Proposed Extension  
and Replacement  
Garage at  
Comerways  
Lowsonford

EXISTING  
ELEVATIONS 2









Side 1 Elevation

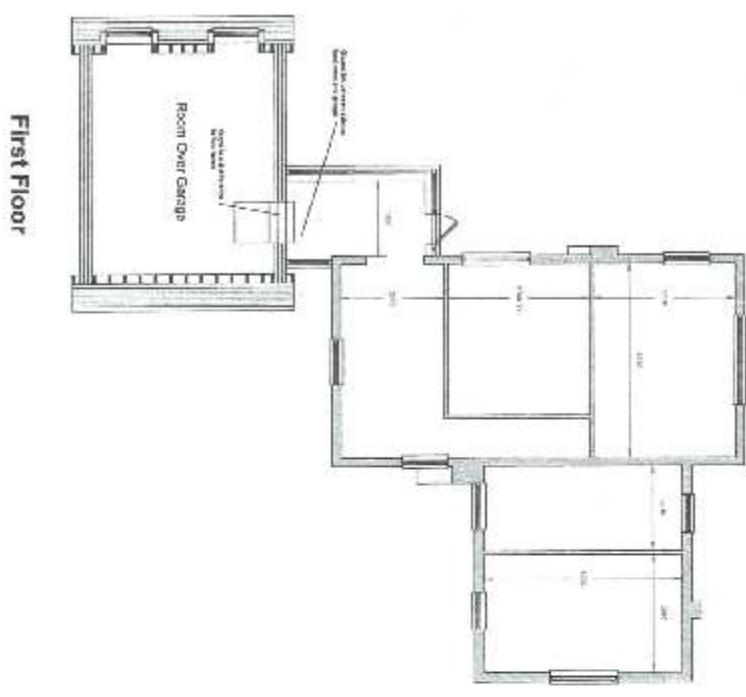


Side 2 Elevation

Scale 1:100

Proposed Extension  
and Replacement  
Garage at  
Cornerways  
Lowsionford

PLANNED  
ELEVATIONS 2



**First Floor**

**Ground Floor**

Scale 1:100  
 Proposed Extension  
 and Replacement  
 Garage at  
 Cornerways  
 Lowsonford  
 Revised  
 Floor Plan  
 SEPT 2014

**Planning Committee:** 11 November 2014

**Item Number: 12**

**Application No:** [W/14/1263](#)

**Registration Date:** 03/09/14

**Town/Parish Council:** Beausale, Haseley, Honiley & Wroxall **Expiry Date:** 29/10/14

**Case Officer:** Robert Mason  
01926 456521 robert.mason@warwickdc.gov.uk

**Folly Barn, Kites Nest Lane, Beausale, Warwick, CV35 7PB**

Conversion of barn to a single residential dwelling (amendment to previously approved application W/13/1442 to change the basement into habitable accommodation.) FOR Mr Rawden

-----

This application has been requested to be presented to Committee by Councillor Gallagher

**RECOMMENDATION**

Planning committee are recommended to refuse planning permission for the reasons detailed below.

**DETAILS OF THE DEVELOPMENT**

Conversion of barn to a single residential dwelling (amendment to previously approved application W/13/1442). The amendments to the approved scheme are as follows:

- An additional area of floor space measuring 14 sq. metres so that the total floor space would now be 171 sq. metres.
- The new basement level (previously to be used for storage) would become living accommodation so that the proposed dwelling would be three storeys
- Excavation works to expose parts of the basement level which was previously not visible above ground level
- The main entrance would be into the basement via a door in the eastern elevation with excavated pathway with steeply graded landforms on either side.
- The windows would be extended downwards and become more visible especially next to the main entrance.
- The southern elevation would have an original door pinned back as a feature with additional windows to the side
- The western elevation would not have a door but just windows instead.

There are other detailed aspects which were applied for under the previous application including a methodology statement for the sequential underpinning of each corner in order to dig out the basement, and details of a sustainable energy source to be located in the basement area.

**THE SITE AND ITS LOCATION**

The application site which fronts the north side of Kites Nest Lane is relatively isolated within the Green Belt. The access would be taken from Kites Nest Lane which is a narrow single track country lane outside of a built up settlement. It is part of a loose cluster of buildings including two dwellings 'Chellow Dene' and 'Bojangles' also on the north side of the road to the east of the site and 'Kingstanding' farm house and yard, diagonally opposite the application site. It is separated from the nearest dwelling by a field. The site is elevated above surrounding land so there are long distance views of the site from the north and west, whereas views from the south and east are screened by tall roadside hedges and the nearby dwelling.

The field is currently used as pasture land for horses and has a five bar gate with personnel gate at the side. The building is of brick construction with a slate roof and false timbering to the upper part of each gable and consists of a main part with two projecting gables supported on brick columns forming a canopied area at the side. The existing building would not be extended on the surface and the false timbering on the upper gable ends replaced. Under the side canopy, glazed timber framed panels would be inserted with the brick pillars retained.

The eastern elevation of the building is clearly visible from the lane gate on Kites Nest Lane.

### **PLANNING HISTORY**

W/12/1424 - Planning permission granted to convert the existing agricultural building to a dwelling, including lowering the ground floor inside the building in order to increase the head height in the building with some excavation around the building such that the undercroft would be set within a basin with a sunken terrace infilling the 'L' shaped footprint of the building.

W/13/1442 - Planning permission granted to convert the existing agricultural building (amendment to W/12/1424 to include a basement level for storage purposes). The basement was designed such that externally it would not be apparent that there was a basement level.

### **RELEVANT POLICIES**

#### The Current Local Plan

- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)

- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- RAP7 - Converting Rural Buildings (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)

#### The Emerging Local Plan

- H14 - Extensions to Dwellings in the Open Countryside (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE4 - Converting Rural Buildings (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

#### Guidance Documents

- Open Space (Supplementary Planning Document - June 2009)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Agricultural Buildings and Conversion - Barns (Supplementary Planning Guidance)
- Vehicle Parking Standards (Supplementary Planning Document)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- National Planning Policy Framework

### **SUMMARY OF REPRESENTATIONS**

**Beausale, Haseley, Honiley and Wroxall Joint Parish Council** - No objection

**Public Response** - One objection has been received on grounds of concerns regarding means of drainage as the site is situated on impermeable clay.

**WCC Highways** - No objection

### **KEY ISSUES**

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

- Principle;
- Design considerations;
- Neighbouring amenity;
- Impact on Surrounding Landscape
- Parking Highway safety;
- Ecology;
- Health and wellbeing
- Sustainability

**Principle of re-use of building**

The principle of re-use of the agricultural building as a dwelling has already been accepted in both of the previous planning permissions.

### **Design Considerations**

The proposal which was granted planning permission under reference W/13/1442 was found broadly to comply with the Council's Design Guidance on barn conversions. It was also considered that the integrity of the building would not be unduly compromised by the inclusion of a basement level as it was not visible above ground.

The Council's guidance 'Agricultural Buildings and Conversion - Barns' focuses mainly on the features that can be seen above ground such as roofs, walls, interiors, doors, windows and the setting of the barn. There is no specific reference to the creation of a basement, most likely due to the fact that barns would be extremely unlikely to have a basement level.

The proposal the subject of the current application now seeks to use the basement for habitable rooms which results in the needs to excavate around and expose more of the basement level including the insertion of windows to floor level. It is considered that this would have an unduly harmful impact on the character and appearance of the agricultural barn by introducing an alien and incongruous feature which would not normally form part of such a building. This would also be apparent at night when the rooms would be lit. It is noted that the Council's Conservation Architect has also objected to the proposal stating that a new basement would be inappropriate on this agricultural barn.

### **Impact on Neighbours**

There would be little or no impact on the living conditions of the occupants of nearby dwellings given the separation distance and the absence of a continual noise source. Hence it is considered that the proposed development would not have an adverse impact on the amenity of the nearest neighbours, and so the application complies with Adopted Local Plan Policy DP2.

### **Impact on Surrounding Landscape**

It is understood that the basement was granted previously because it was not apparent above ground it did not affect the openness of the Green Belt. This was despite it involving a disproportionate extension in the Green Belt i.e. well over 30% of additional floor space, contrary to Policy RAP2 of the Local Plan. However, regarding the present application, it is considered that the proposed footway, grading off of the land to form the access to the basement living area, and the extended windows would increase the perceived scale of the building and significantly harm the character of the original building and that these alterations would be very visible from the surrounding area, particularly from the lane gate to the south. It is considered therefore that this would have an adverse impact on the quality of the surrounding landscape and the openness of the Green Belt. The proposal is considered to constitute inappropriate development in the Green Belt which would be harmful by definition and by reason of harm to openness.



Whilst the applicant has proposed window blinds to reduce the impact of light at night on the surrounding area, it is considered that such a proposal may not be effective or enforceable as a planning condition.

It is considered therefore that the application conflicts with Adopted Local Plan Policies DP3, RAP2, RAP7 and the NPPF.

### **Highways/Parking**

No amendments to the previous proposals are currently being made, however it is still considered that the development is likely to lead to further outbuildings. Various conditions were attached to the previous permission in this respect.

### **Ecology**

Various conditions were attached to the previous permission in this respect and it is considered that circumstances have not changed in the meantime.

### **Health and Wellbeing**

No issues have arisen since the previous permission to affect this aspect, and therefore there is no objection on this aspect.

### **Sustainability**

Whilst the application site is in an isolated location in the countryside, it is considered that the principle of residential development has already been established and therefore an objection on the grounds of additional car journeys would not be justified.

The applicant has set out an intention to install renewable energy technologies and has demonstrated that the favoured option of a ground source heat pump within the basement is a credible one to achieve the 10% renewable's target. It would therefore comply with Policies DP12 and DP13 and the Sustainable Buildings SPD provided a condition is attached in this respect.

The surfacing for the parking area will be bound gravel and it is proposed to discharge surface water via a SUDS system but detailed design has not been provided therefore a condition is required to secure this, in accordance with Policy DP11.

### **Other matters**

Since WDC does not own any open space land in the vicinity, it would not be appropriate to require an open space contribution in pursuit of Policy SC13 and the Open Space SPD.

A resident has raised an objection regarding the feasibility of any drainage; however it is considered that this matter can be covered by attaching a planning condition, as previously.

### **Summary/Conclusion**

It is considered that the proposed design would unduly harm the character and integrity of the original building due in particular to the proposed extended windows together with the basement access and land graded off to the sides of the proposed pathway. In addition, it is considered that these alterations would also increase its perceived scale in the landscape, and being very visible particularly from the lane gate to the south, this would have an adverse impact on the quality of the surrounding landscape and the openness of the Green Belt. Accordingly, it is considered that the application conflicts with Adopted Local Plan Policies DP1, DP3, RAP2 and RAP7 and Warwick District Council's Supplementary Planning Guidance for Barn Conversions.

## **REFUSAL REASONS**

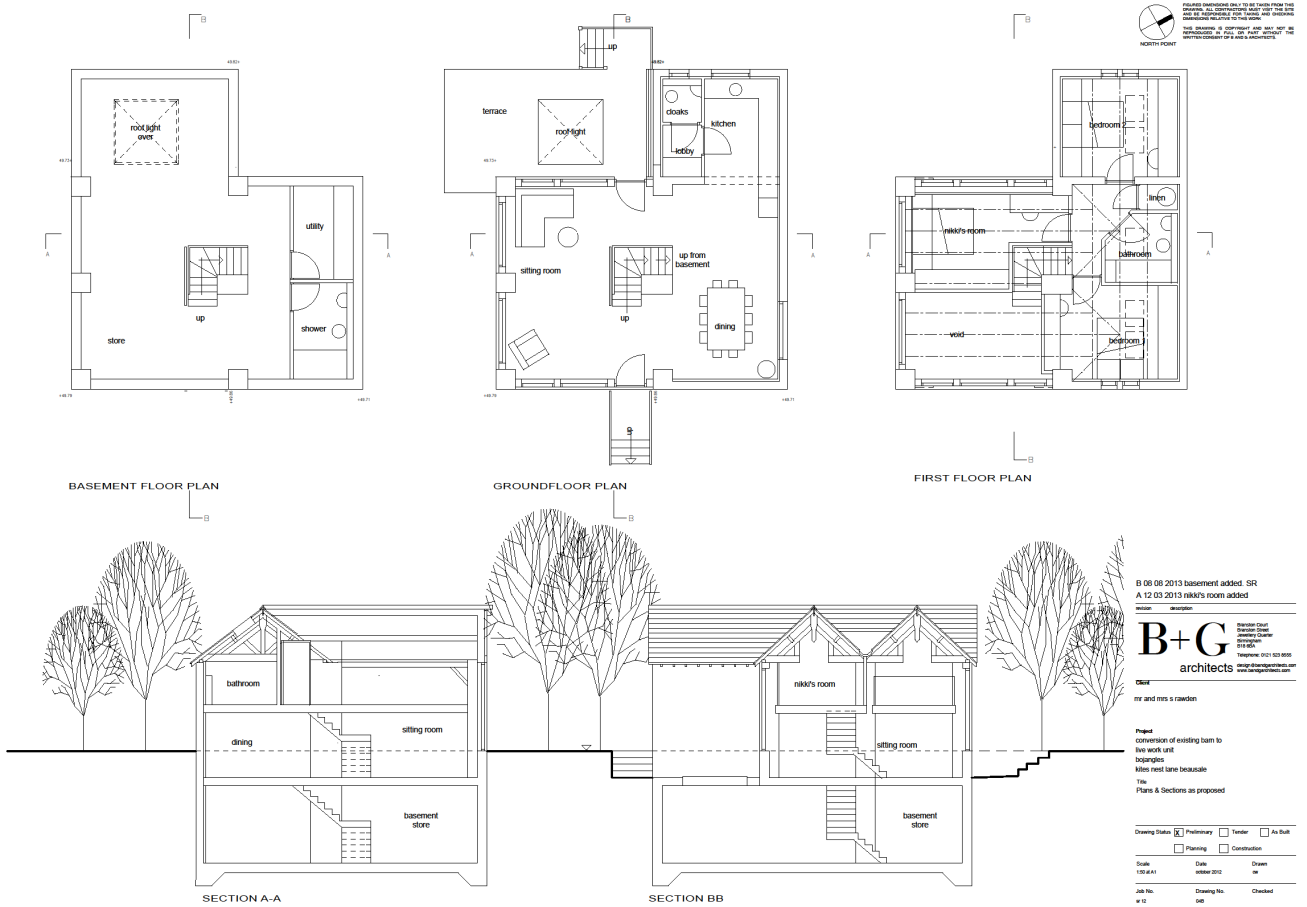
- 1 In the opinion of the Local Planning Authority, it is considered that the proposed design would unduly harm the character and integrity of this barn due in particular to the proposed extended windows together with the basement access and land graded off to the sides of the proposed pathway, which would introduce a visible basement level which would be an alien and incongruous feature on a building of this type. In addition, it is considered that these alterations would also increase the perceived scale of the building in the landscape, and being very visible particularly from the lane gate to the south, this would have an adverse impact on the quality of the surrounding landscape and the openness of the Green Belt. The proposal would be inappropriate development in the Green Belt, harmful by definition and by reason of harm to openness. Accordingly, it is considered that the application conflicts with Adopted Local Plan Policies DP1, DP3, RAP2 and RAP7, Warwick District Council's Supplementary Planning Guidance for Barn Conversions and the NPPF.



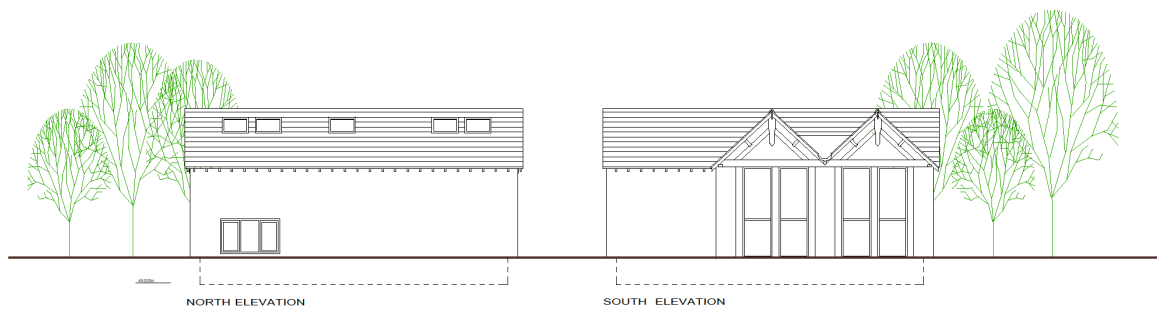
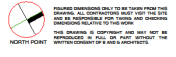
EXISTING LOCATION PLAN 1:1250



PROPOSED SITE PLAN 1:500



Approved Floor Plans



**B+G**  
architects

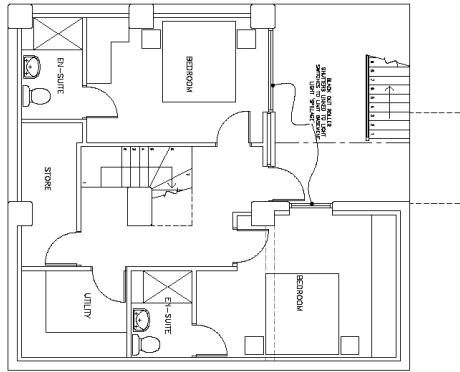
Project: Conversion of existing barn to live work unit  
 Location: Miles west of Berkeley  
 Title: Elevations as proposed

Drawing State:  Preliminary  Tender  As Built  
 Planning  Construction  
 Scale: 1/8"=1'-0" Date: 08/20/12 Drawn by: [blank]  
 Job No.: [blank] Drawing No.: 03 Checked by: [blank]

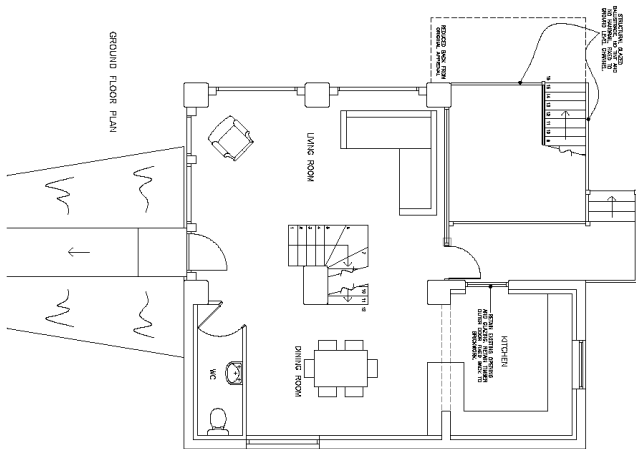
Approved Elevations

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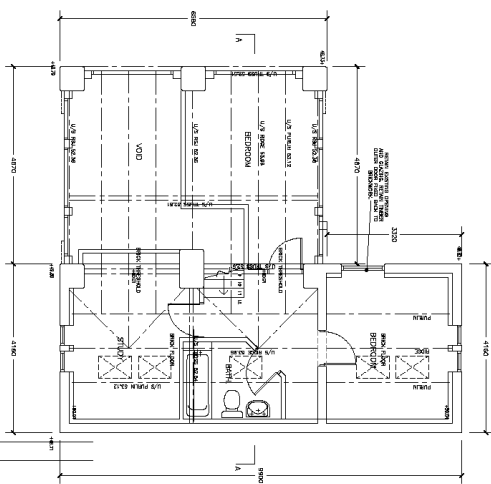
BASEMENT FLOOR PLAN



GROUND FLOOR PLAN



FIRST FLOOR PLAN

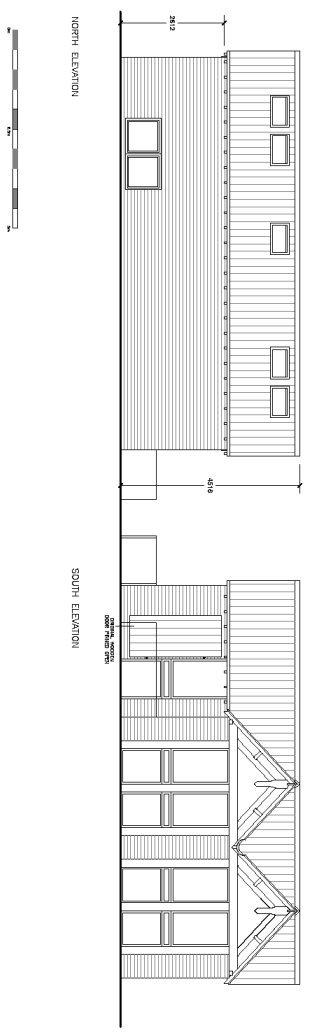
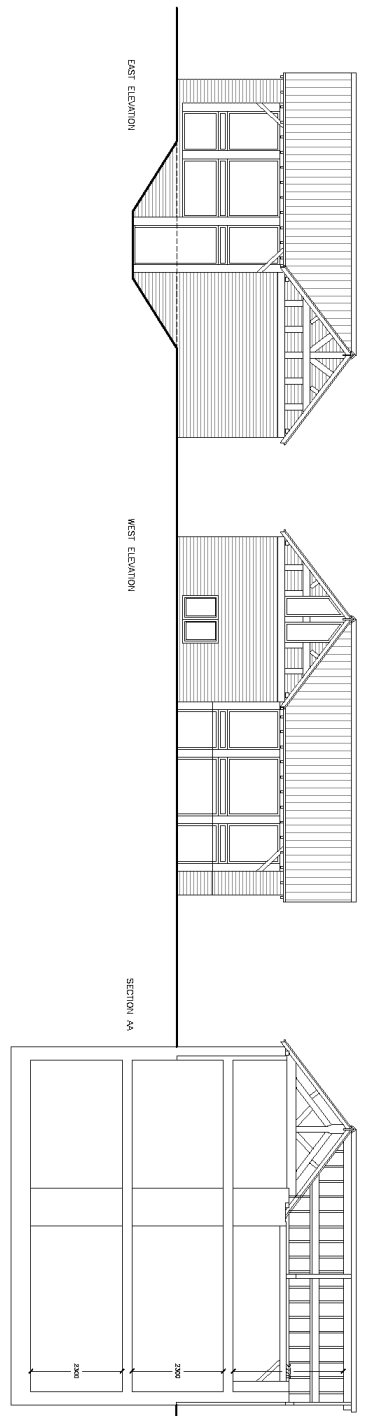


PROPOSED PLANS  
 DATE: 13/06/21  
 DRAWING NO: 21.03.14  
 REF: 767.03B

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A 08/07/14 After amendments

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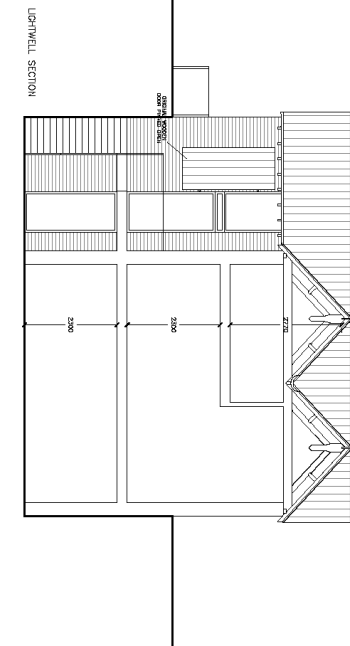
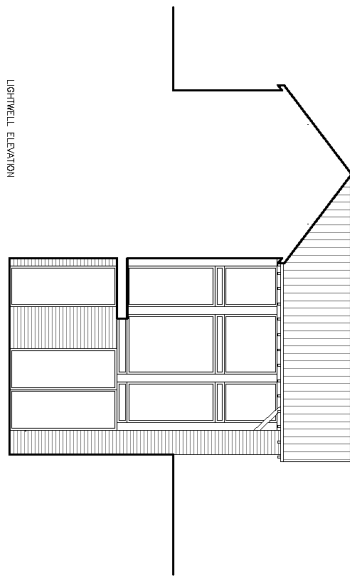
**BARN CONVERSION AT  
 FOLLY BARN  
 805 WEST LANE  
 WARRAWONG  
 NSW 2783**

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**PROPOSED ELEVATIONS**  
 scale: 1:50 (A1) date: 08/07/14  
 OF: 767 044

Proposed Elevations

(C) This drawing is copyright. DO NOT SCALE FROM THIS DRAWING. Dimensions in this drawing are given in feet and inches. All dimensions are given in feet and inches. The architect shall be responsible for the accuracy of the dimensions. The architect shall be responsible for the accuracy of the dimensions. The architect shall be responsible for the accuracy of the dimensions.



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BARN CONVERSION AT  
 FOLLY BARN  
 RIDES REST LAKE  
 WARWICK  
 01093 7183

PROPOSED LIGHTWELL DRAWINGS  
 Scale: 1/8"=1'-0" Date: 2018.11  
 File: 767.07

Proposed Lightwell Section and Elevation



**Planning Committee:**

**Item Number: 13**

**Application No:** [W/14/1198](#)

**Town/Parish Council:** Warwick  
**Case Officer:** Emma Spandley

**Registration Date:** 06/08/14  
**Expiry Date:** 01/10/14

01926 456533 emma.spandley@warwickdc.gov.uk

**2 Gerrard Street, Warwick, CV34 4HD**

Erection of 2no. 3 bed dwellings with associated car parking and external works after demolition of part of existing boundary wall fronting Gerrard Street. FOR Mr & Mrs Middlebrook

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

**RECOMMENDATION**

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

**DETAILS OF THE DEVELOPMENT**

The application proposes to erect 2no. 2 and half storey dwellings.

**THE SITE AND ITS LOCATION**

The application site is located on the south-western side, and towards the northern end, of Gerrard Street, within the historic centre of Warwick. The whole of Gerrard Street, along with the immediate surrounding area, is within the Warwick Conservation Area. There are a significant number of listed buildings in Gerrard Street and the immediate surrounding area.

Gerrard Street is a narrow one way road and there is no pavement along the side of the street along which the application site is located.

The building which previously occupied the site has been demolished and the site has become overgrown. The site is set approximately 1.5 metres higher than the adjacent highway and the front boundary with Gerrard Street is defined by a stone retaining wall which is approximately 1 metre high.

The application site is surrounded by Listed Buildings on all sides. A pair of timber framed 16th Century Grade II Listed Buildings (nos. 4 & 6 Gerrard Street) lie adjacent to the site to the south-east. These buildings stand on a tall stone plinth such that their ground floor is level with the existing ground level of the application site.

The buildings on the corner of Smith Street and Gerrard Street bound the site to the north-west. These are No.12 & 14 Smith Street and are also Grade II Listed dating from the 17th and 18th Centuries. These properties front onto Smith Street with a side elevation to Gerrard Street. The rear elevations of these properties face the appeal site.

No.10 Smith Street rear garden borders the application site boundary to the south-west.

### **PLANNING HISTORY**

Planning permission was granted for the use of the previous building on the application site as a workshop in 1949 (Ref.1990).

An application for the redevelopment of the application site for offices was refused in 1969 on grounds of overdevelopment and highway safety (Ref.4095A).

In 1987 two separate planning applications were submitted relating to a change of use of the building on the application site to a dance studio (Refs. W/87/0495 & W/87/0763). Both applications were refused on grounds of disturbance to adjoining residents and highway safety.

In 2001 Conservation Area Consent was approved for the demolition of the building on the site.

In 2001 two planning applications were submitted for the erection of two dwellings on the site (refs W/01/0108 & W/01/1231). W/01/0108 was withdrawn and W/01/1231 was refused due to the impact on the conservation area and the impact on neighbouring properties. This application was subsequently dismissed at appeal.

The Inspector made the following points:-

- The removal of the entire wall and embankment would have a severe impact on the setting of the adjacent cottages at 4-6 Gerrard Street.
- The elevated position of the adjacent cottages and the topography of the site make an important contribution to the setting of the Listed Building and it is important that the timber gable end wall of No.4 is clearly visible within the Conservation Area.
- The principle of three storey residential development on the site is acceptable, however, the houses need to be set back from the road to form its own distinct group.

In 2003 planning permission was sought for the erection of 2no. two and half storey dwellings after the demolition of the existing workshop. This application was refused due to the adverse impact on the Conservation Area and street scene by reason of design and siting of the dwellings (Ref. W/03/1112).

In 2004, 2 applications were submitted for the site, one for the partial demolition of the boundary wall (Ref. W/04/0921/CA) and one for the erection of a three storey detached dwelling. Both applications were withdrawn.

In 2005, 2 applications were submitted for the site, one for the partial demolition of the boundary wall (Ref. W/05/1162/CA) which was approved, and one for the erection of a detached house, which also was approved (Ref. W/05/1161). This scheme was never implemented.

In 2008, 2 applications were submitted for the site, one for the partial demolition of the boundary wall (Ref. W/08/0941/CA) which was approved, and one for the erection of a detached house, which also was approved. (Ref. W/08/0940). This scheme also was never implemented.

A previous application earlier this year was submitted for the erection of 2 houses on the site (W/14/0762) which was withdrawn.

## **RELEVANT POLICIES**

### The Current Local Plan

- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)

### The Emerging Local Plan

- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H0 - Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE6 - Archaeology (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

#### Guidance Documents

- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Vehicle Parking Standards (Supplementary Planning Document)
- Distance Separation (Supplementary Planning Guidance)
- Open Space (Supplementary Planning Document - June 2009)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- National Planning Policy Framework

### **SUMMARY OF REPRESENTATIONS**

**Warwick Town Council:** Object, for the following reason: "Planning permission for the erection of a single detached home on this site has already been granted, following applications seeking to develop the site with two, 3 bedroom dwellings, which have previously been refused. The Town Council consider that the current application would represent an overdevelopment of the site and that the mass of the development would be incongruous and not positively enhance the street scene and the character of the surrounding area, and will impact adversely on the amenity of the area. Vehicles seeking to park or be garaged on the site would cause an obstruction to vehicles travelling in Gerrard Street and would not be able to both leave and enter the site in a forward gear. The amenity areas to the two houses would be extremely limited and offer little garden use to residents".

**WCC Archaeology:** No objection, subject to a condition.

**WCC Highways:** No objection.

**Waste Management:** No objection provided the sufficient space can be provided to accommodate refuse storage.

**Public Response:** 3 objections have been received on grounds of excavation of the site; loss of views; inadequate waste storage, inadequate parking; loss of light; overdevelopment; harm to the setting of the Conservation Area; overlooking and loss of privacy; removal of the wall will harm the Conservation Area.

### **ASSESSMENT**

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

- The principle of the development
- Impact on the character and appearance of the Conservation Area
- Impact on neighbouring properties
- Impact on highway safety & parking
- Renewables
- Health and Wellbeing

## **The Principle of the Development**

Planning permission was granted in 2005 & 2008 for the erection of a detached dwelling and the removal of a small section of the brick wall. While these applications have now expired, there has been no material change in the policy context in which these applications were approved. The 2008 application was assessed against the policies contained within the Warwick District Local Plan 1996 - 2011.

Policy UAP1 of the Warwick District Local Plan 1996-2011 states that residential development will be permitted on previously developed land and buildings within the confines of the urban areas. The proposal accords with this and is acceptable in principle.

## **The impact on the Character and Appearance of the Area**

The principal issues raised by the Inspector at the Appeal in 2002 in respect of the Conservation Area and the setting of the listed buildings were: The complete removal of the stone boundary wall and embankment would severely impact on the setting of the cottages; the gable end of the adjoining cottage at no.4 Gerrard Street should not be largely obscured; there should be a visual break rather than giving the impression of a more continuous development.

The comments of the Town Council and residents are noted, however, the Inspector's decision in the 2002 appeal did not rule out two dwellings on the site, and only mentioned that the building should not come right up to the road and lead to the removal of the embankment and wall and that it should not be as tall as the neighbouring property and should not obscure the side gable of No.4.

The two proposed dwellings sit on a similar footprint as the two previous approved applications and therefore the siting of the building is considered to be acceptable. The proposed dwellings will retain the existing views of the gable end of no.4 Gerrard Street and the difference in levels between the two parts retains the impression of varied blocks of building on this side of the road. The area to the front, behind the wall will be excavated, at the lower ground level, however at the ground level will have a grass mono pitched roof, which will resemble the existing grass bank.

The height of the proposed dwellings is also similar to the height of the previously approved dwelling under both the applications in 2005 and 2008. The stone wall is to remain, with only a small section removed to facilitate the garaging at ground floor for both of the dwellings.

It is considered, taking into account the previous permissions which granted permission for a large detached dwelling on a similar footprint and the partial removal of a section of the existing wall, that the current proposals will not have a detrimental impact on the setting and appearance of the Conservation Area and the neighbouring listed buildings. It is also noted that the Conservation Officer has not objected to the proposal.

## **The impact on the living conditions of nearby dwellings**

The Council refused the 2001 application as it considered the increase in height by 0.5 metres would harm the living conditions of no.10 Smith Street. However, the Inspector concluded that the raising of the boundary wall at the rear of the site would not have an undue impact on no.10 Smith Street and that daylight levels to the properties would be no different from the existing situation. While it is acknowledged that the building has now been removed, as stated above, the previous permission in 2008, granted planning permission for a similar scale and size development, albeit for only one dwelling, however, this application was assessed against the same policy context and is therefore a material consideration. Due to the application not having a greater footprint or height than the previous approval it is considered that the proposal would not have an unacceptable harm on the living conditions of the neighbouring properties.

## **Car Parking and Highway Safety**

The proposed two dwellings require 4 car parking spaces to be allocated within the site. Each space is required to be at least 3 metres wide by 4.8 metres long and a distance of 6 metres is required between the parking spaces and the wall opposite. The Highway Authority initially objected, however, the proposal has been amended to provide a widened access and a parking layout that accords with the criteria stated above. The objection has been withdrawn and the proposal is considered acceptable

## **Renewable Energy**

The Sustainable Building Statement submitted with the application states that the properties will be installed with air source heat pumps and they will be located on the roof of the dwellings on a flat section of roof between two ridges. No details have been submitted, however this can be controlled by a suitably worded condition.

## **Health and Wellbeing**

N/A

## **Other Matters**

I note the comments raised from the neighbouring property at no.4 Gerrard Street regarding the protection of the building during construction works. A suitably worded condition will be imposed requiring that a construction method statement is submitted prior to any works starting on site.

No public open space is to be provided as part of the proposal. A scheme to provide enhancements to existing public open space will therefore be required. This can be secured by condition.

Waste management services have stated that the bin storage area is required to accommodate 2 x 55l recycling boxes (dimensions 0.585m w x 0.360m l) and 2 x 55l recycling bags (0.505m w x 0.390m l), plus 1 x 180l bin (0.505m w x

0.755m l) and 1 x 240l bin (0.580m w x 1100m l). Therefore the total length of space required is 3.4 metres, if each item is placed side by side. The total area of the proposed refuse area is 0.7m wide by 3.5 metres wide which is considered to be satisfactory.

## **SUMMARY / CONCLUSION**

For the above reasons the proposal is considered to accord with the policies listed and is acceptable.

## **CONDITIONS**

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved amended drawings 11 478/100; 11478/101 C; 11478/102A; 11478/103B; 11478/104A; 11478/105A; 11478/106A; 11478/107 & 11478/108 submitted on 31st October 2014 and specification contained therein. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1, DP2, DAP4 and DAP8 of the Warwick District Local Plan 1996-2011.
- 3 No development shall be carried out on the site which is the subject of this permission, until details of the method statement for the construction have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON:** To ensure the neighbouring Listed Building is protected and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.
- 4 The development hereby permitted shall not commence unless and until a programme of archaeological works and investigations has been secured and initiated in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. **REASON:** In order to ensure any remains of archaeological importance, which help to increase our understanding of the District's historical development are recorded, preserved and protected were applicable, before development commences in accordance with Policy DP4 of the Warwick District Local Plan 1996-2011.
- 5 The development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been

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

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

- 6 The development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works to include the details of the proposed green roof which have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the dwellings hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.
- 7 The development shall be carried out only in full accordance with sample details of the facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.
- 8 No development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON:** To ensure an appropriate standard of design and appearance within the Conservation

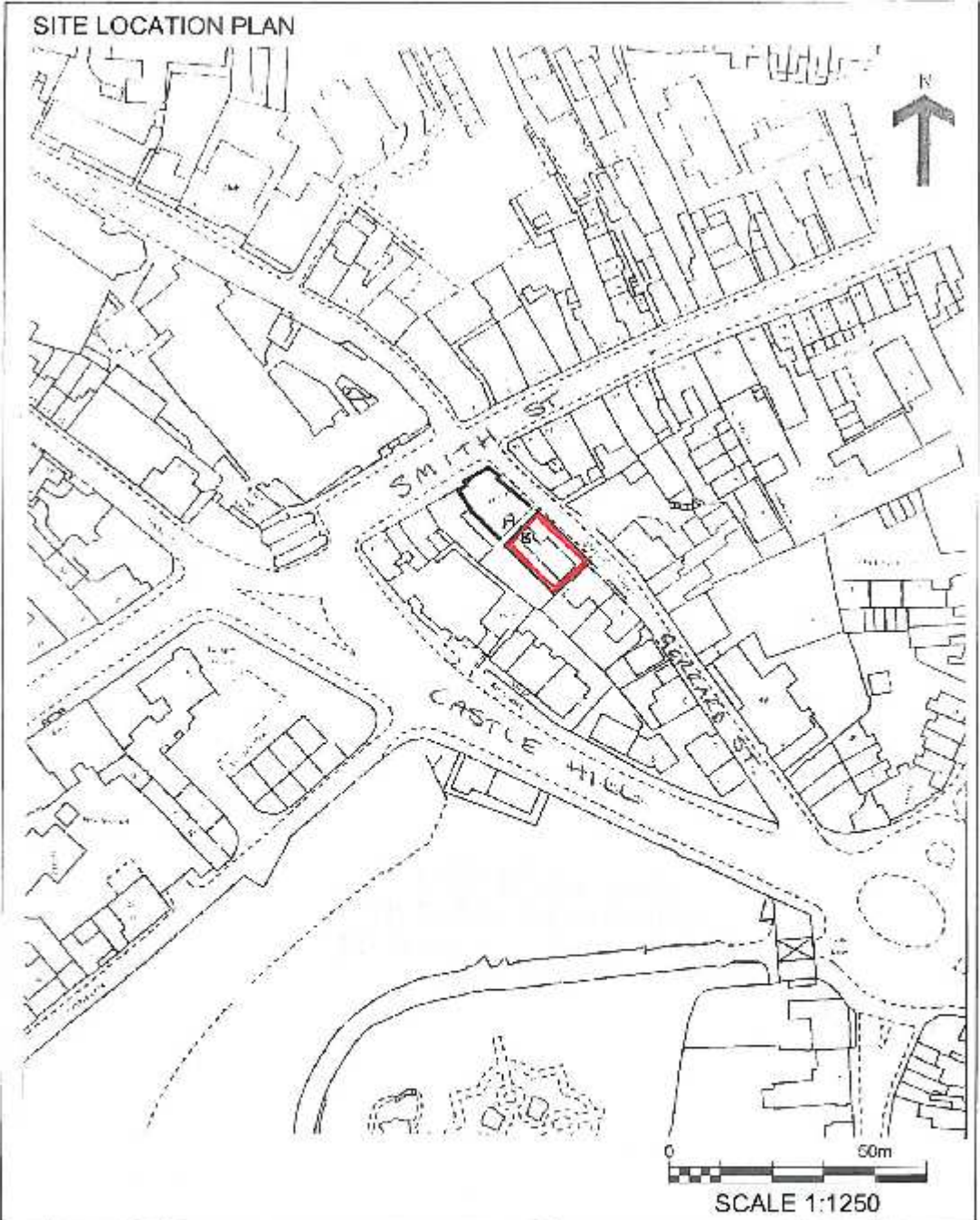


Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.

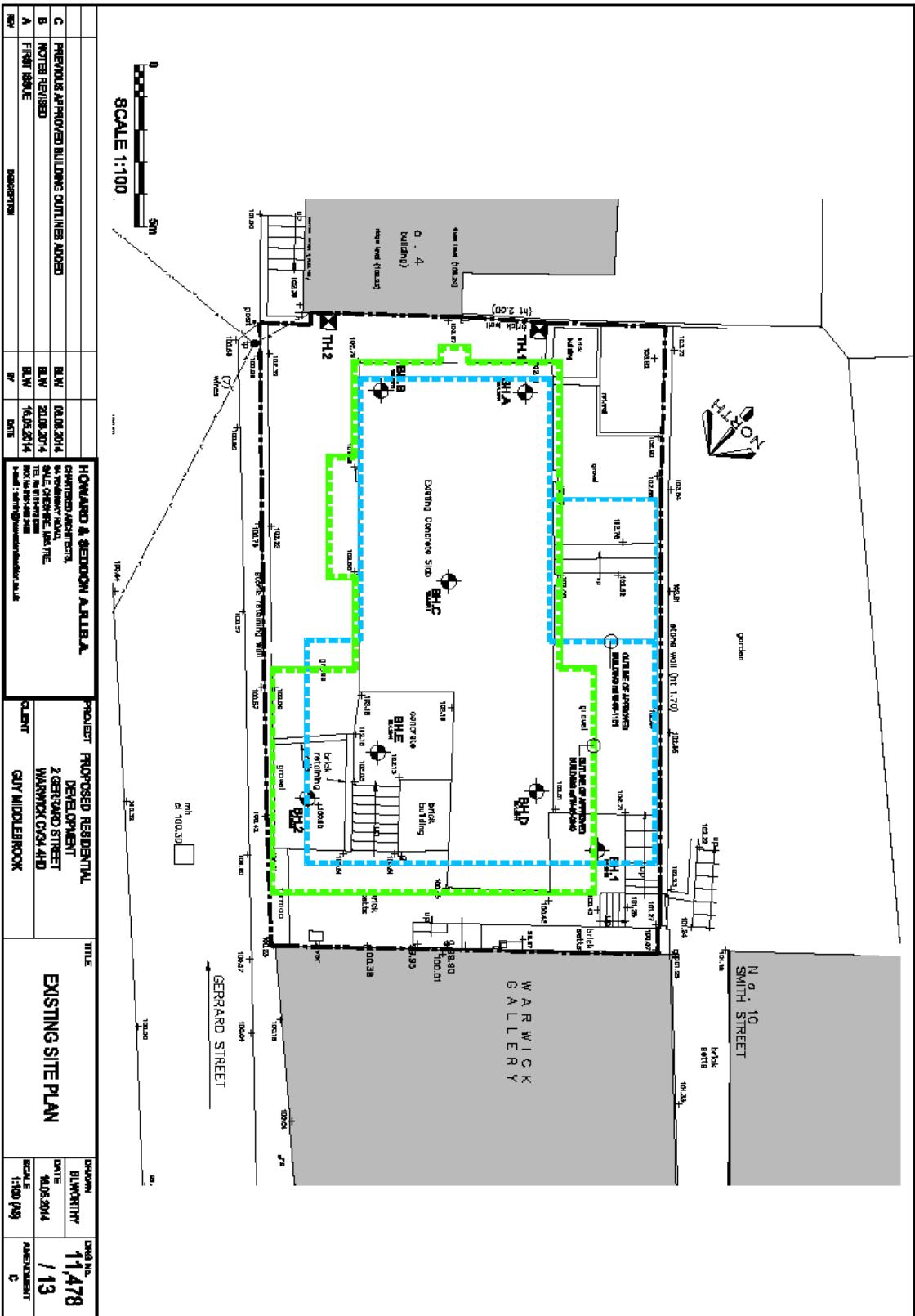
- 9 A landscape management plan, including long term management responsibilities and maintenance schedules for the green roof shall be submitted to and approved in writing by the local planning authority before the use of the development hereby permitted. The landscape management plan shall be implemented as soon as the approved landscaping is carried out and shall not be withdrawn or altered in any way without the prior written approval of the local planning authority. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.
- 10 The development hereby permitted shall not commence unless and until details of the foundations and other sub-ground level works have been submitted to and approved in writing by the local planning authority and the development shall only be carried out in strict conformity with the details shown on these approved drawings or any subsequent amending documents. **REASON:** To ensure that any important and irreplaceable archaeological remains are not destroyed during the construction process in accordance with Policy DP4 of the Warwick District Local Plan 1996-2011.
- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no further development shall take place within the curtilage of any dwelling house hereby permitted without the prior written approval of the local planning authority. **REASON:** This site is of a restricted size and configuration and is in close proximity to other dwellings. It is therefore considered appropriate therefore to retain control over future development to ensure that the residential amenity of this locality is protected in accordance with the provisions of District-Wide Policies DP1, DP2 and DAP8 of the Warwick District Local Plan 1996-2011
- 13 The green roof hereby permitted shall remain in situ in perpetuity and shall not be removed or dug out. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.
- 14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) no windows or openings (apart from any shown on the approved drawings) shall be formed in the rear facing elevation of the dwellings hereby approved without the written approval of the local planning authority and if any additional windows are subsequently approved they shall only be glazed or re-glazed in accordance with such approved details and any opening

part of any window shall be at least 1.7m above the floor of any room in which the window is installed. **REASON:** To ensure the amenities of adjoining properties are not detrimentally affected through overlooking or loss of privacy in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011.

- 15 Gates/doors provided for the garage shall not open outwards towards the public highway. **REASON:** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.
- 16 All window and door frames shall be constructed in timber and shall be painted and not stained. **REASON:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.
- 17 The roofing material for the development shall be natural slate.  
**REASON:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.
- 18 None of the dwellings hereby permitted shall be occupied until the car parking spaces to be provided have been completed and marked out in accordance with the approved details and made available for use by the occupants and thereafter those spaces shall be retained for parking purposes. **REASON:** To ensure adequate parking provision within the development in the interests of the amenities of the locality and highway safety in accordance with Policies DP1, DP2 & DP8 of the Warwick District Local Plan 1996-2011.
- 19 The development hereby permitted shall not be occupied unless and until the external 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 DP1 of the Warwick District Local Plan 1996-2011.



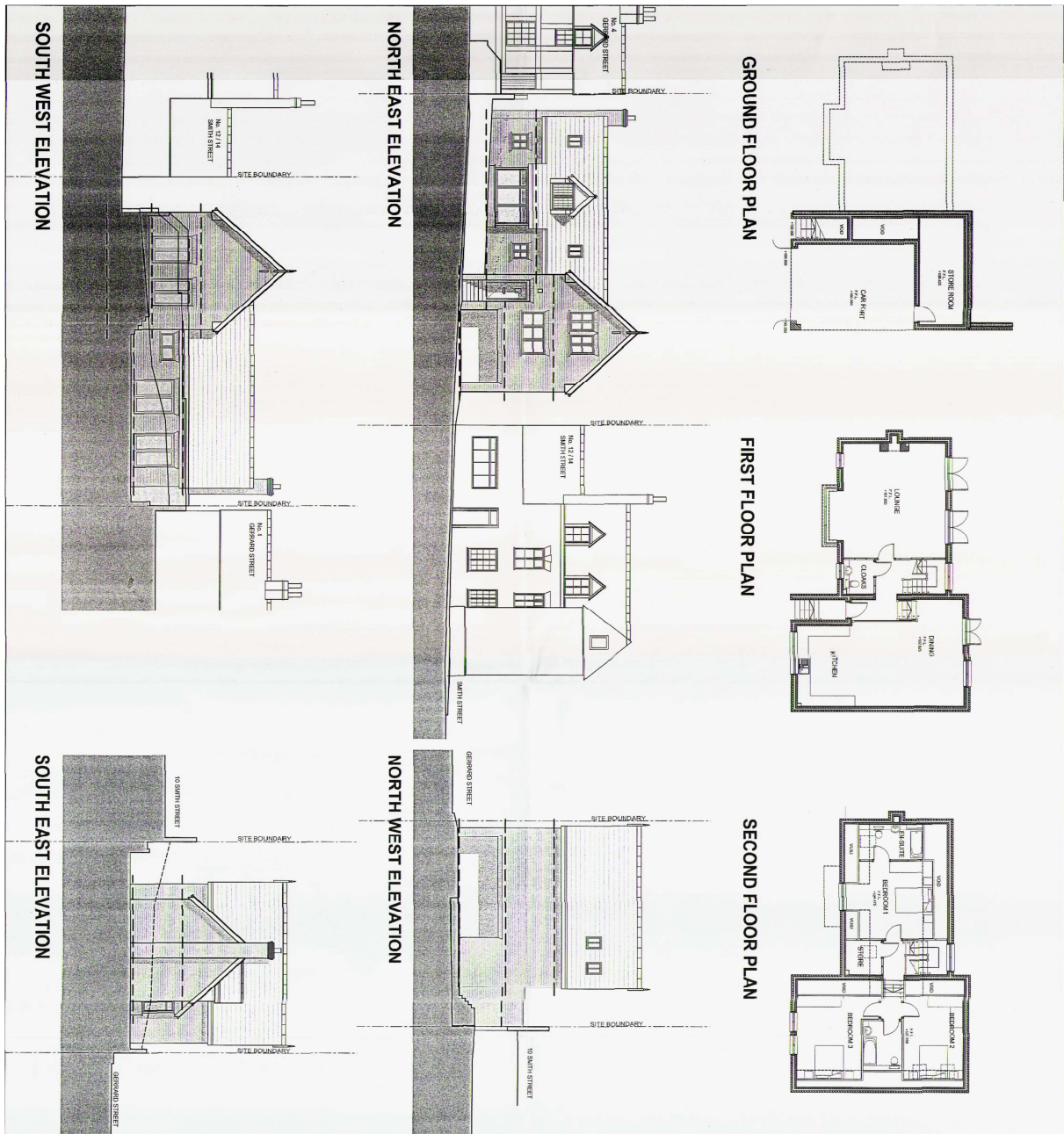
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REV	DESCRIPTION	DATE	BY	CHKD
A	FINAL ISSUE	16.06.2014	ELW	DNIS
B	NOTES REVISION	20.06.2014	ELW	DNIS
C	PREVIOUS APPROVED BUILDING OUTLINES ADDED	04.06.2014	ELW	DNIS

HOWARD & BERDON ARCHIT. & INTERIOR DESIGN 200 BAYVIEW AVE. SUITE 200 SCARBOROUGH, ONT. M1B 2Y4 TEL: 416-291-1111 WWW.HOWARDANDBERDON.COM	<b>PROJECT</b> PROPOSED RESIDENTIAL DEVELOPMENT 2 GERRARD STREET WEST WARDEN CK (2ND AND)	<b>TITLE</b> EXISTING SITE PLAN
CLIENT: GUY MIDDLEBROOK	DRAWN BY: BLW/KTH DATE: 14.05.2014 SCALE: 1:100 (AS)	DRG No. 11,478 / 13 AMENDMENT 0



2008 Approved Scheme

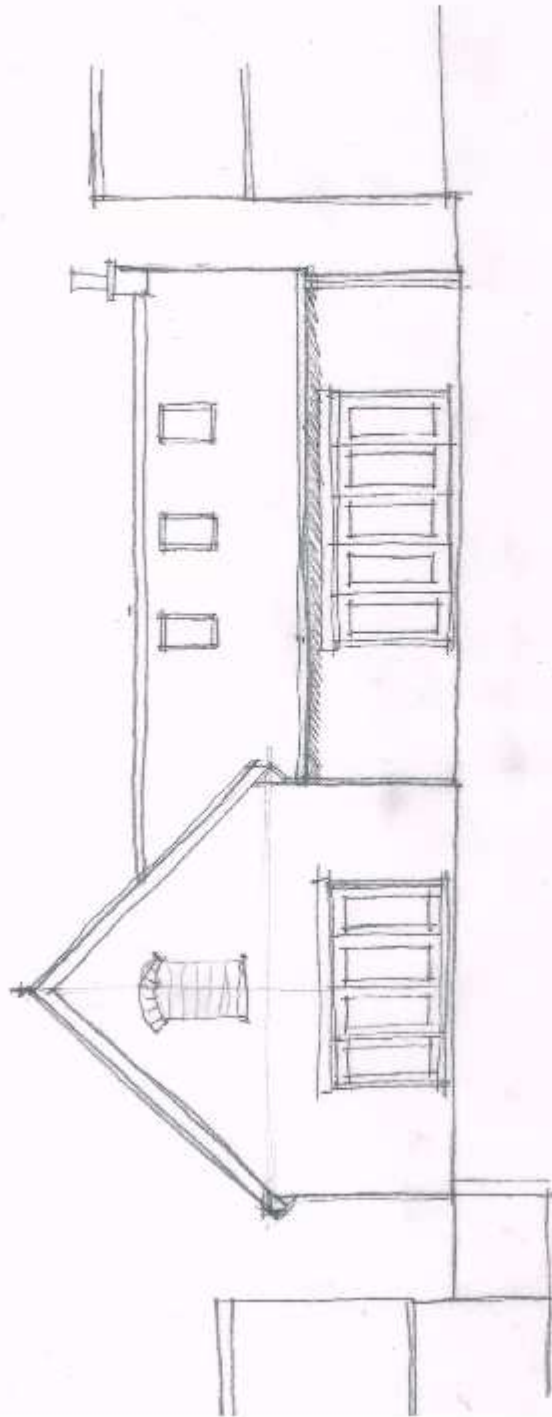


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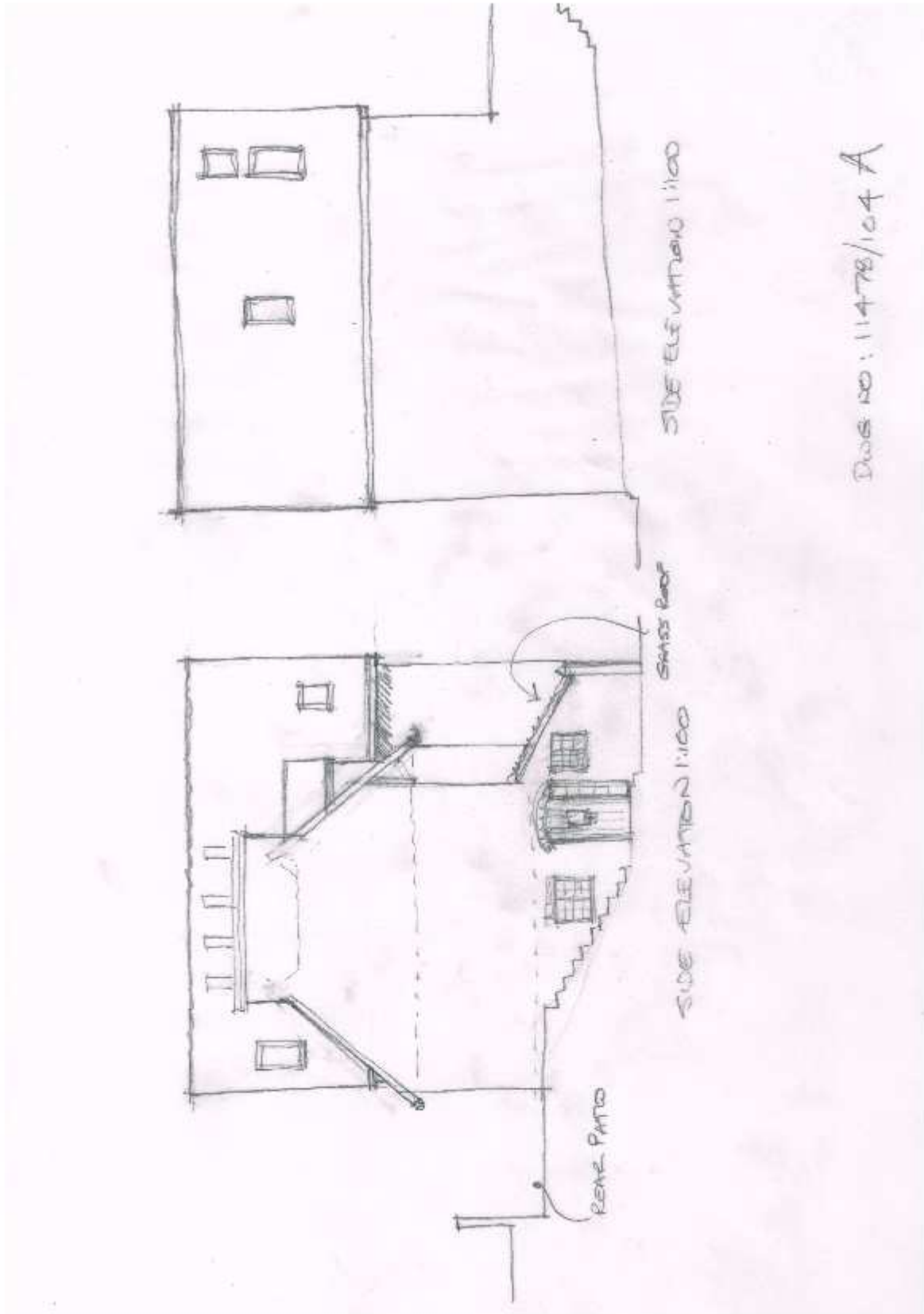
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B - REMOVE WINDOW TO WALL

DWE NO: 11478/103B

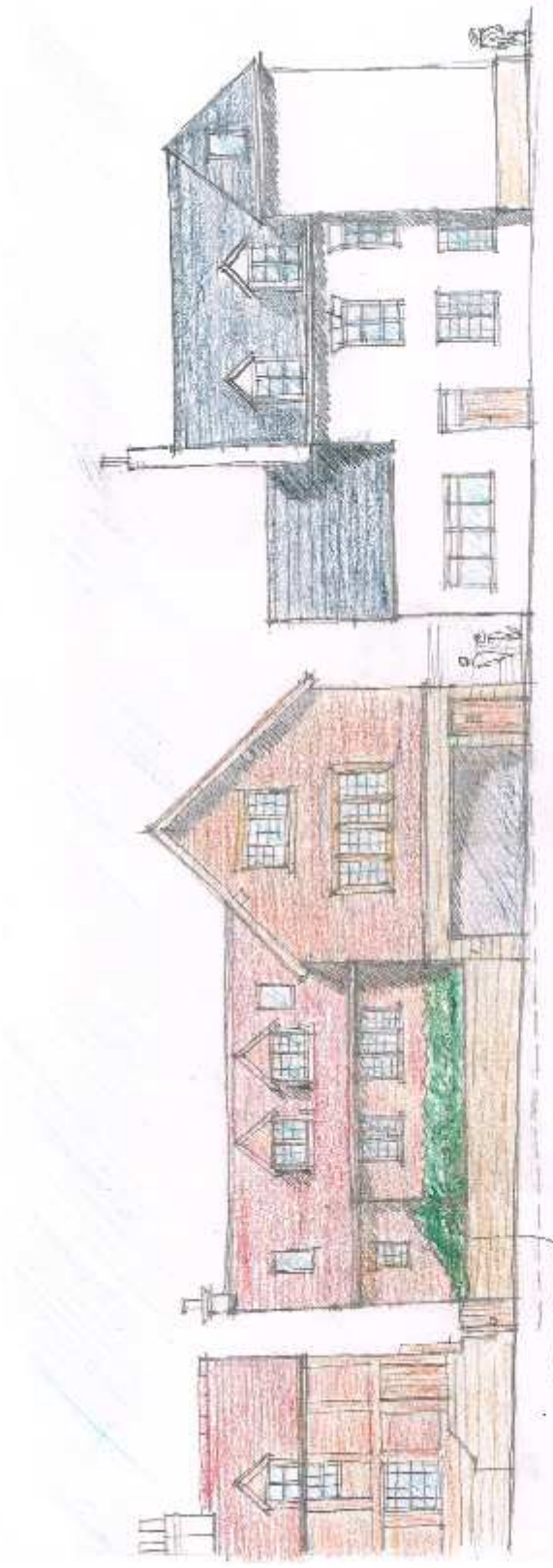
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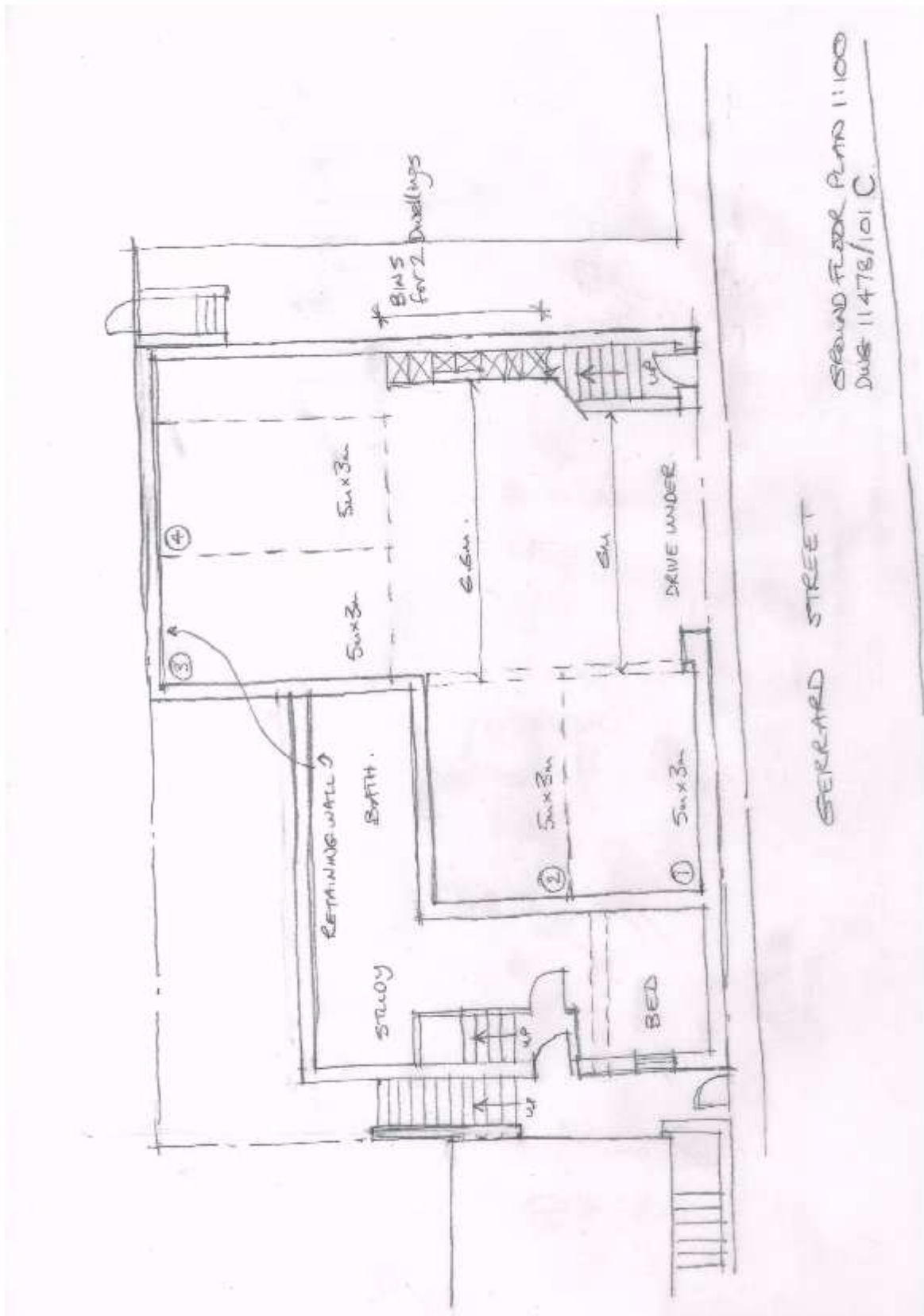
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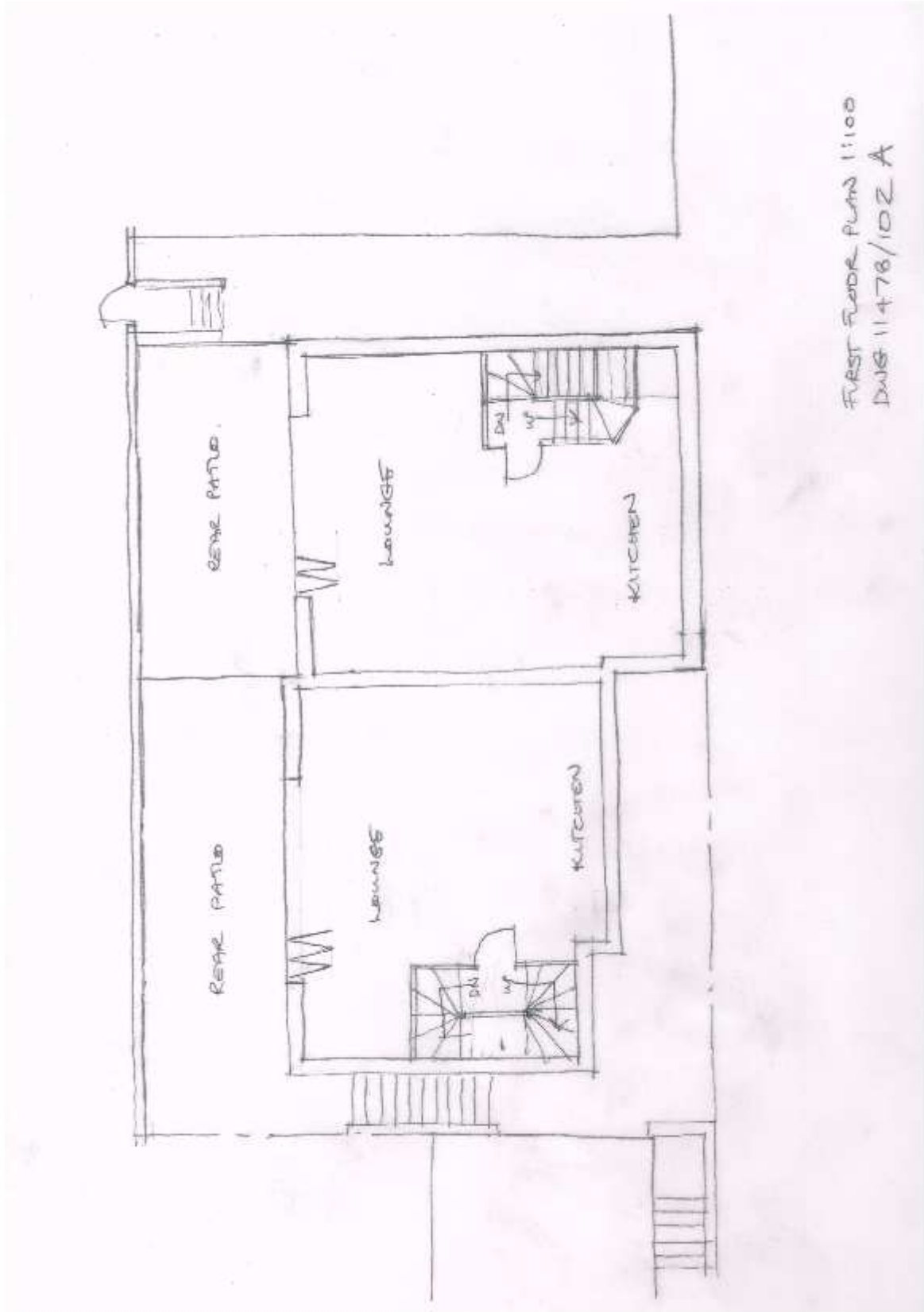


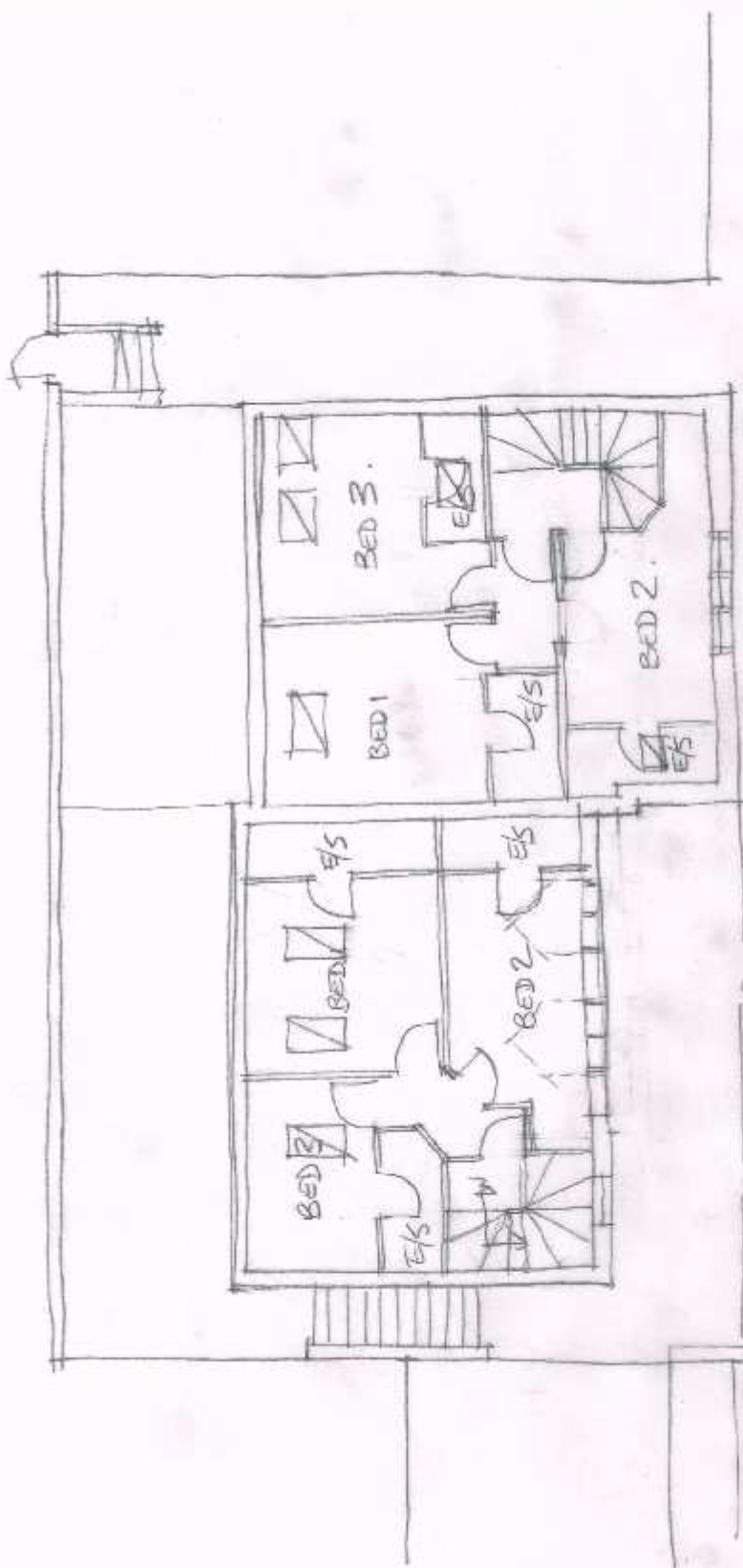
STREET SCENE 1:200  
Date No: 11478/108



GROUND FLOOR PLAN 1:100  
 DWG 11478/101 C

GERRARD STREET





SECOND FLOOR PLAN 1100  
DWS NO 11478/107

**Planning Committee:** 11 November 2014

**Item Number: 14**

**Application No:** [W 14 / 1453](#)

**Town/Parish Council:** Kenilworth  
**Case Officer:** Jo Hogarth

**Registration Date:** 01/10/14  
**Expiry Date:** 26/11/14

01926 456534 jo.hogarth@warwickdc.gov.uk

**134 Warwick Road, Kenilworth, CV8 1HS**

Erection of a single storey side and rear extension and one and two storey rear and side extension. Change of use from Use Class C3 (single dwelling house) to Use class D1 (complementary health practice) at ground floor, and a two bedroom apartment at first floor. FOR Mrs K Phillips

-----

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

**RECOMMENDATION**

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

**DETAILS OF THE DEVELOPMENT**

The proposal is for the erection of a two storey side/rear extension and single storey side/rear extensions. It is also proposed to change the use of the premises from a single dwelling house (Use Class C3) to a complementary health practice (Sui Generis) and two-bedroom flat on the first floor above. The proposed site plan shows three parking spaces in the front garden and two side facing windows at first floor to bathrooms.

**THE SITE AND ITS LOCATION**

The application property is a two storey semi-detached dwelling sited near the southern end of Warwick Road in a highly accessible location close to Kenilworth town centre. On the opposite side of the adjoining neighbour to the south is a public house and car park, whilst to the north is a row of detached and semi-detached dwellings of similar size. Immediately opposite are dwellings, and opposite to the south-east is a petrol filling station. The site has an existing vehicular access at the front which crosses a bus stop lay by.

**PLANNING HISTORY**

A similar application was refused in 2013 for the change of use from a single dwelling to a complementary health practice (Sui Generis) with a one-bedroom flat and a studio apartment on the first floor above. Two storey rear and single storey side and rear extensions were also proposed. The reasons for the refusal of permission were harm to highway safety arising from lack of parking and

turning space, and breach of a 45 degree guideline from the neighbours rear bedroom window impacting upon the amenities of that adjacent property (no.132).

A further revised application (ref: W/14/1036) was considered to have addressed the reasons for refusal set out above but was refused by planning committee for the following reason:

*"The proposed development by reason of its extent, layout and design and the resulting combination of uses within the site including the provision of 2 units of residential accommodation at first floor level would result in the overly intensive development and use of the site including the provision of residential accommodation which is cramped and which provides a substandard level of residential amenity for the occupants of those units."*

### **RELEVANT POLICIES**

- National Planning Policy Framework

#### The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)

#### The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

#### Guidance Documents

- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Vehicle Parking Standards (Supplementary Planning Document)

## **SUMMARY OF REPRESENTATIONS**

**Kenilworth Town Council:** Objection on grounds that the width of the extension and infill will impact on the streetscene and lack of provision for vehicular access and parking.

**WCC Ecology:** Recommend bat notes.

**WCC Archaeology:** No objection.

**Highways:** No objection.

**Public response(s):** 9 letters of objection and a petition of 23 signatures have been received objecting on grounds that Warwick Road is very busy and this is a residential area; the location of the site adjacent to a bus stop which will be dangerous; the limited proposed parking which will result in cars parking in neighbouring roads; and the existence of vacant commercial premises in Kenilworth.

## **ASSESSMENT**

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

- Principle of the Development
- The impact on the character and appearance of the area
- The impact on the living conditions of nearby dwellings
- Car parking and highway safety
- Renewable Energy
- Ecological Impact
- Health and Wellbeing

### **The Principle of the Development**

The principle of changing the use of the property would accord with the Local Plan and the NPPF. The Local Plan does not contain policies which seek to protect existing residential uses from changes of use. The NPPF (para.19) places significant weight on the need to support economic growth through the planning system, which this proposal would contribute towards. The previous planning application sought to create two flats on the upper floors; as this was considered to be overly intense development, the application has been amended to propose one 2 bed flat at first floor level.

It is considered that the proposed reduction in the intensity of the use of the site by means of the reduction in the number of residential units provided; the resultant reduction in activity in and around the site; and the improved level of residential amenity for the remaining first floor unit is sufficient to overcome the previous reason for refusal.

As set out below, the development is considered to be acceptable and therefore, the proposal is considered to comply with the NPPF

## **The impact on the Character and Appearance of the Area**

The proposed first floor extension is set off the neighbour's side wall (as they are built virtually onto the side boundary) by one metre in accordance with the Residential Design Guide SPG, which will ensure that a clear visual separation is retained between the buildings at first floor level. The roof of this extension is also set down in height, set well back from the front elevation, and has a hipped roof, therefore the extension will appear subservient to the original pair of semi-detached dwellings.

The proposed ground floor extension will partly replace the existing side canopy, and will continue the existing front canopy across the front bay window and porch. The extensions are considered to be acceptable in design terms as they will not unacceptably unbalance the appearance of the original pair of semi-detached dwellings. It is therefore considered that the proposed extensions comply with the Residential Design Guide SPG and achieve good design in accordance with Policy DP1 and the NPPF.

## **The impact on the living conditions of nearby dwellings**

At the rear, this application complies with a 45 degree guideline taken from the first floor rear window of no. 132. The proposed first floor extension would therefore not have an unreasonable impact on light and outlook to this window. At ground floor level there would be no breach of a 45 degree line taken from the end of this neighbour's existing long conservatory which is built close to the boundary. The other neighbour which adjoins the application property does not have rear windows to habitable rooms so there is no 45 degree line breach from their property. It is considered appropriate to condition the side facing windows to be obscure glazed in order to prevent any potential or perceived overlooking. They serve bathrooms at first floor level. The neighbouring property at number 132 Warwick Road does not have any side facing windows. The proposed business use, by reason of its nature and extent is considered to be unlikely to lead to unacceptable levels of noise or disturbance.

## **Car Parking and Highway Safety**

The proposed use requires four parking spaces per treatment room, to comply with the Council's Vehicle Parking Standards SPD. The proposed layout shows one treatment room, one preparation room, a large summer room, and a reception area with office, kitchen WC and store. The applicant has described how there may be more than one patient on site at one time, due to the types of treatment taking place. Therefore there may be two customers on site at one time plus the practitioner. The proposed first floor residential use would require 1.5 parking spaces. The total parking requirement based on one treatment room would therefore be 5.5 spaces.

Three parking spaces are provided on site which is below the SPD requirement, although the business use would require parking during daytime hours whilst the residential use would be more likely to require evening parking.

Many of the applicant's existing clients are expected to walk to the practice, use mobility scooters or public transport. Following the original refusal, the applicant secured three additional parking spaces within a nearby private car park to



accommodate any over spill parking. The applicant understands the risk to highway safety associated with potential dropping off in the lay by and is committed to discouraging this.

The site is located in a highly accessible and sustainable area, being adjacent to a bus stop and within walking distance of the town centre, which is likely to reduce the parking demand. Taking into account the site entrance behind the bus lay by, the Highway Authority are satisfied with vehicles reversing into the highway from the proposed parking spaces, as this is the case with other dwellings in this road, and are also content with the size of parking spaces provided. The matter of access and parking has been carefully considered by the Highway Authority, and they raise no objection on highway safety grounds.

Taking all of these matters into account, it is therefore considered that there would be no significant worsening of the existing parking situation or highway safety, and the proposals would comply with Policies DP6 and DP8, and the Parking Standards SPD.

### **Renewable Energy**

The proposed change of use and extensions would trigger a requirement for the provision of renewable energy in accordance with Policies DP12, DP13 and the Sustainable Buildings SPD, which can be secured by condition

### **Ecological Impact**

There would be no impact in terms of ecology; however it is considered appropriate to attach notes relating to bats as a protected species.

### **Health and Wellbeing**

The application proposes the provision of a complimentary health practice which by its nature is intended to improve the health and wellbeing of patients.

### **Other matters**

It is not considered appropriate to request financial contributions towards the enhancement of public open space as unlike the previous application no additional dwellings are being proposed. There would be no conflict with Policy SC13 in the Local Plan or the accompanying adopted Supplementary Planning Document on Open Space.

### **SUMMARY/CONCLUSION**

The proposal is considered unlikely to lead to significant harm to highway safety, visual or neighbouring amenity, and the benefits of the scheme are not outweighed by any likely adverse impacts, therefore the proposal would comply with paragraph 14 of the NPPF.

## **CONDITIONS**

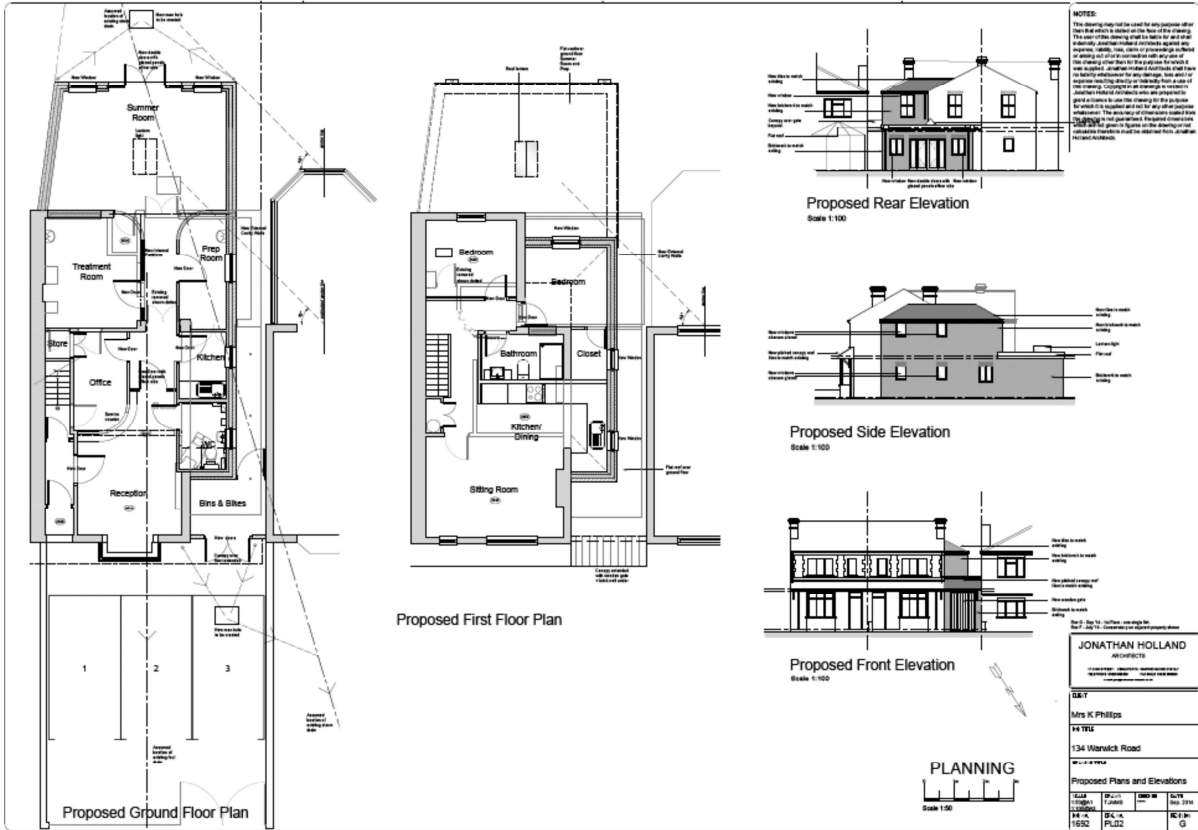
- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 1692 PL02 Rev.G and 1692 PL03 Rev. F submitted on 30 September 2014, and specification contained therein. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 The development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. **REASON :** To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.
- 4 The use of the ground floor of the property hereby permitted shall be as a complementary health practice only, and for no other purpose within Use Class D1. **REASON:** Since the proposed use is only considered acceptable in the particular circumstances of this case, and an alternative D1 use could have a greater impact on neighbouring amenity or parking.
- 5 Prior to the occupation of the development hereby permitted, the first floor windows in the side elevation shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed window(s) shall be retained and maintained in that condition at all times. **REASON :** To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011.
- 6 The uses hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **REASON:** To ensure

adequate off-street car parking and servicing facilities in the interests of both highway safety and visual amenity in accordance with Policies DP1, DP2 & DP8 of the Warwick District Local Plan 1996-2011.

- 7 The access to the site for vehicles shall not be used unless the existing public highway footway crossing has been extended, laid out and constructed in accordance with the standard specification of the Highway Authority. **REASON:** To ensure adequate access in the interests of both highway safety and visual amenity in accordance with Policies DP1, DP2 & DP8 of the Warwick District Local Plan 1996-2011.
  
- 8 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON :** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.

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**Planning Committee:** 14 October 2014

**Item Number: 15**

**Application No:** [W/14/0915](#)

**Town/Parish Council:** Leamington Spa  
**Case Officer:** Emma Spandley

**Registration Date:** 17/06/14  
**Expiry Date:** 12/08/14

01926 456533 [emma.spandley@warwickdc.gov.uk](mailto:emma.spandley@warwickdc.gov.uk)

**Hybrid Arts Riverside Adelaide Road, Leamington Spa, CV32 5AH**

Change of use of the former Sea Cadets Club House and former Boat House to mixed use (Sui Generis) comprising Education (Use Class D1) and Assembly & Leisure (Use Class D2) and installation of additional external doors (Retrospective Application). FOR Hybrid Arts

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This application is being reported back to Planning Committee as the application was deferred from the 19th August 2014 Planning Committee meeting as Members instructed the Chair of Planning Committee and officers to meet with the Residents of Portland Place and the applicant to negotiate suitably worded conditions that could be imposed on a grant of planning permission if Committee were minded to do so. However, as a result of these discussions there has been a change to the officer's recommendation, which is explained further in the report.

**RECOMMENDATION**

The 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 proposes to change the use of the former sea cadets building to a mixed use comprising of education (Use Class D1) and a music venue (Use Class D2).

Since the Planning Committee's decision to defer the application officers have met with the residents of Portland Place and the applicant with Cllr Gifford and the Chair of Planning Committee on several occasions. The wording of the potential conditions to help mitigate the harm arising from noise and disturbance were considered to be too onerous and unreasonable which would be very difficult to enforce against, resulting in a change to the recommendation.

**THE SITE AND ITS LOCATION**

The application site is the former Sea Cadets Club House and Boat House located adjacent to the River Leam opposite the St Patrick's Club. To the north of the site is a gym, to the east are a number of other clubs including the Naval Club, to the North West is the Adelaide Road public car park and beyond the car park

are the properties located in Portland Place West. The site is situated within Flood Zone 3 and within the Royal Leamington Spa Conservation Area.

### **PLANNING HISTORY**

There is no relevant planning history relating to the site.

### **RELEVANT POLICIES**

- National Planning Policy Framework
- The Current Local Plan
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- SC8 - Protecting Community Facilities (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- The Emerging Local Plan
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS8 - Protecting Community Facilities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- Guidance Documents
- Vehicle Parking Standards (Supplementary Planning Document)

### **SUMMARY OF REPRESENTATIONS**

**Royal Leamington Spa Town Council:** Objection. The change of use is not considered appropriate due to the building being unfit for purpose. The building requires substantive noise insulation and air conditioning works to counter the need to open windows and doors. The Council supports the work of Hybrid Arts but consider that the location of this venue is inappropriate.

**Environmental Health:** No objection, subject to condition relating to an acoustic scheme and noise levels.

**Environment Agency:** Initially submitted a holding objection, the objection has subsequently been lifted. Therefore the Environment Agency has no objections.

**Public Response:** 33 Objections have been received with regards to noise from inside the venue and outside within the smoking area and noise issues with regards to people leaving the premises late at night. 98 letters of support have been received. The letters of support centre around the benefit of having the facility within the area and how invaluable the venue is for musicians / artists.

### **ASSESSMENT**

### Principle of change of use

Policy SC8 of the Warwick District Local Plan 1996 - 2011 and Policy HS8 of the Draft Local Plan 2011 - 2029 seeks to retain existing community uses. The previous use of the building was for the Sea Cadets. The use as an education facility and music venue is considered to be a Community Facility and therefore the change of use is considered to accord with Policy SC8 of the Warwick District Local Plan 1996-2011 as the community use of the building is retained.

### Impact on neighbouring properties:

#### a) Noise

Policy DP9 of the Warwick District Local Plan 1996 - 2011 states that development will only be permitted which does not give rise to noise pollution where the levels could cause harm to sensitive receptors. A large number of objections have been received relating to the noise impacts of the use. Since May 2013, Environmental Health have regularly monitored the Leamington Live Art and Music Project (LAMP) and have worked with the venue to minimise disturbance to local residents by recommending an earlier finish time of 11pm for music performances. The applicant has also been asked to monitor noise levels to ensure they are at an acceptable level.

Environmental Health raised no objection to the initial application, subject to a condition requiring that noise arising from activities at the venue, when measured one metre from the facade of any noise sensitive premises, does not exceed the background level by more than 3dB(A) and 5dB(A) if sounds from the venue contain whines, screeches, hisses or hums, bangs, clicks, clatters or thumps.

As part of the planning application, the applicant provided a noise survey detailing whether the venue is likely to comply with the recommended condition. Environmental Health have confirmed that they are satisfied with the efficacy of the report as two officers from their team attended the premises on the evening of the assessment to ensure that it was representative of a typical live event at the premises. However, the survey has identified that the premises are unlikely to currently comply with the above criteria and has identified the need for further treatment to the venue. As such, Environmental Health recommended that a condition requiring the submission of an acoustic scheme be imposed on any planning permission granted.

In light of further evidence and representations from the Environmental Health Team and the Residents of Portland Place it is considered that the noise arising from inside the building, even with the acoustic treatment would still lead to noise and disturbance to the surrounding residents. Similarly, conditions were explored to restrict the operating hours of the venue and the type of events on certain days; however, as explained above, the wording of the conditions was becoming too onerous that they would not have passed the reasonable test. Furthermore, the wording of the condition became too complicated that it would make enforcing the conditions difficult.

#### b) Anti-Social Behaviour



Policy DP2 of the Warwick District Local Plan 1996 - 2011 and Policy BE3 of the Draft Local Plan 2011-2029 state that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents. 'Amenity' is defined as the extent to which people are able to enjoy public places and their own dwellings without undue disturbance or intrusion from nearby uses. A number of the objections received have raised concerns about noise related anti-social behaviour which have taken place around the application site and Councillor Bill Gifford has objected to the planning application on these grounds.

Environmental Health have only raised concerns about noise from within the building itself and not as a result of individuals leaving the premises or congregating outside and the Council's Community Safety Team have not raised objection on grounds of anti-social behaviour. The objections relating to anti-social behaviour outside the building and in the public car park, cannot be controlled reasonably by planning legislation added to which discussions regarding conditions demonstrated that different arrangements were necessary almost each evening which is not enforceable.

#### Flooding

The Environment Agency have issued a holding objection due to the data supplied with the Flood Risk Assessment being out of date. An updated Flood Risk Assessment has been submitted and the Environment Agency's comments on this will be presented as part of the additional observations prior to the Committee Meeting.

#### External Alterations

The additional external doors are considered to be acceptable.

### **SUMMARY/CONCLUSION**

It is regretful that a suitable way forward has not been achieved as part of the scheme providing community / educational facilities that the council wish to support and this was also confirmed at the last Planning Committee meeting. However it is considered that, in light of new evidence there are no reasonable conditions that could be imposed on any grant of planning permission for the current use, which could restrict hours of operation, events, timings of events, live music to the satisfaction of the Council. On this basis, it is considered that the D2 use is not suitable in this location due to the increase noise and disturbance to nearby residents. If however, the applicant submitted a revised scheme for purely educational use, there may be scope to agree suitable conditions.

### **REFUSAL REASONS**

- 1 Policy DP2 of the Warwick District Local Plan 1996 - 2011 & Policy BE3 of the Draft Local Plan 2011 - 2029 states development or changes of uses will not be permitted if the use has an adverse impact on the amenity of nearby residents. Policy DP9 of the Warwick District Local Plan 1996 - 2011 states development and change of uses will only be permitted which does not give rise to noise pollution.

The application proposes the change of use of to a D2 Use Class, for a Music Hall. Due to the topography of the area, the close proximity to residential properties and other existing drinking establishments, it is considered that the proposed change of use would cause demonstrable harm to the amenity of the residential properties through increased noise and disturbance. Therefore, the use conflicts with Policy DP2 & DP9 of the Warwick District Local Plan 1996 - 2011 and Policy BE3 of the Draft Local Plan 2011 - 2029.

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FRA Riverside, Adelaide Road, CV32 5AH  
Appendix A: Site Location for change of use

