

Planning Committee

Tuesday 15 August 2017

A meeting of the above Committee will be held at the Town Hall, Royal Leamington Spa on Tuesday 15 August 2017 at 6.00pm.

Councillor Cooke (Chairman)
Councillor Day (Vice Chairman)

Councillor Boad	Councillor Mrs Hill
Councillor Mrs Bunker	Councillor Morris
Councillor D'Arcy	Councillor Mrs Stevens
Councillor Edgington	Councillor Weed
Councillor Heath	

Emergency Procedure

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

Agenda

Part A – General

1. Apologies and Substitutes

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

2. Declarations of Interest

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

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

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

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

3. **Site Visits**

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

4. **Minutes**

To confirm the minutes of the Planning Committee of 18 July 2017.

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Part B – Planning Applications

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

5. **W/17/0526 – 9 Old Square, Warwick** **(Pages 1 to 9)**
6. **W/17/0527/LB – 7 and 9 Old Square, Warwick** **(Pages 1 to 4)**
7. **W/17/0755 – House, 97A Warwick Street, Royal Leamington Spa** **(Pages 1 to 7)**
8. **W/17/0864 – Former Dairy Crest Depot, Quarry Street, Milverton, Royal Leamington Spa** **(Pages 1 to 10)**
****This is a major application****
9. **W/17/0894 – Land South of Gallows Hill / West Side of Europa Way, Warwick** **(Pages 1 to 15)**
****This is a major application****
10. **W/17/0931 – Ribbons, Rowington Green, Rowington** **(Pages 1 to 4)**
11. **W/17/0953 – 52 Queen Street, Cubbington** **(Pages 1 to 7)**
12. **W/17/0969 – 116 Brunswick Street, Royal Leamington Spa** **(Pages 1 to 4)**
13. **W/17/1000 – 23 St Mary’s Road, Royal Leamington Spa** **(Pages 1 to 9)**
14. **W/17/1009 – Durham Ox, 111 Shrewley Common, Shrewley** **(Pages 1 to 7)**
15. **W/17/1031 – Land north east of Tapster Lane, Lapworth** **(Pages 1 to 8)**
16. **W/17/1068 – 3 Archers Row, Acre Close, Whitnash** **(Pages 1 to 6)**
17. **W/17/1091 – 47 Cubbington Road, Lillington** **(Pages 1 to 10)**
18. **W/17/1161 – The Stables, Lyon Farm, Rouncil Lane, Beausale** **(Pages 1 to 4)**

Part C – Other matters

19. **Appeals Report** **(To follow)**

Please note:

- (a) the background papers relating to reports on planning applications are open to public inspection under Section 100D of the Local Government Act 1972 and consist of all written responses to consultations made by the Local Planning Authority in connection with the planning applications referred to in the reports, the County Structure Plan Local Plans and Warwick District Council approved policy documents.
- (b) all items have a designated Case Officer and any queries concerning those items should be directed to that Officer.
- (c) in accordance with Council's Public Speaking Procedure, members of the public can address the Planning Committee on any of the planning applications or Tree Preservation Order reports being put before the Committee. If you wish to do so, please call 01926 456114 (Monday to Thursday 8:00am to 7:00pm, Friday 8:00am to 6:00pm and Saturday 9:00am to 1pm) or email committee@warwickdc.gov.uk, anytime after the publication of this agenda, but before 12 noon on the working day before the day of the meeting and you will be advised of the procedure.
- (d) please note, that the running order for the meeting may be different to that published above, in order to accommodate items where members of the public - Have registered to address the Committee.
- (e) occasionally items are withdrawn from the agenda after it has been published. In this instance, it is not always possible to notify all parties interested in the application. However, if this does occur, a note will be placed on the agenda via the Council's web site, and where possible, the applicant and all registered speakers (where applicable) will be notified via telephone.

Published Monday 7 August 2017

General Enquiries: Please contact Warwick District Council, Riverside House, Milverton Hill, Royal Leamington Spa, Warwickshire, CV32 5HZ.
Telephone: 01926 456114
E-Mail: committee@warwickdc.gov.uk

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

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

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

Planning Committee

Minutes of the meeting held on Tuesday 18 July 2017 in the Town Hall, Royal Leamington Spa at 6.00 pm.

Present: Councillor Cooke (Chairman); Councillors Boad, Mrs Bunker, D'Arcy, Day, Edgington, Mrs Evetts, Heath, Mrs Hill, Mrs Stevens and Weed.

Also Present: Committee Services Officer – Mrs Dury; Legal Advisor – Mr Gregory; Head of Development Services – Mrs Darke; Development Services Manager – Mr Fisher; and Enforcement Manager – Ms Lalli.

38. **Apologies and Substitutes**

(a) There were no apologies.

(b) Councillor Mrs Evetts substituted for Councillor Morris.

39. **Declarations of Interest**

Minute Number 47 – W/17/0925 LB – 19 Mill Street, Warwick

Councillor Edgington declared an interest because he had been a member of the Warwick Town Council Planning Committee when this application had been discussed. He left the room for this item and remained outside for the next when these were discussed at the District Council's meeting.

Minute Number 48 – W/17/0602 – 10 The Paddocks, Warwick

Councillor Edgington declared an interest because he had been a member of the Warwick Town Council Planning Committee when this application had been discussed. He remained out of the room whilst this item was discussed at the District Council's meeting.

40. **Site Visits**

There were no site visits.

41. **Minutes**

The minutes of the meeting held on 20 June 2017 were taken as read and signed by the Chairman as a correct record.

42. **W/17/0465 – 3 George Street, Royal Leamington Spa**

The Committee considered an application from Mr Dhesi for the conversion of an existing building and erection of a new second floor to provide four no. two bedroom flats and two no. one bedroom flats, with a new shop front to the ground floor.

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

PLANNING COMMITTEE MINUTES (Continued)

The officer was of the opinion that the proposal would provide a sensitively designed redevelopment of a prominent corner plot in Royal Leamington Spa Town Centre which would provide six additional residential units. The proposed development was considered to provide a bookend style development which better reflected the architectural design at the cross roads, whilst enhancing the Conservation Area and respecting the character of nearby listed buildings. The proposed development provided adequate waste and cycle storage and, subject to a unilateral undertaking, would not put any additional strain on nearby on street parking.

An addendum circulated at the meeting advised that a further public response had been received from 22 Radford Road, objecting to the absence of a resolution to the Private Sector Housing objection (means of escape), waste storage and parking. It also advised of the details of when and where the Parking Survey submitted with the application was conducted; and that Environmental Health had raised questions regarding the management of communal bins, and the transfer of noise between the residential properties and the retail unit. These questions had subsequently been resolved following the provision of further information.

The following people addressed the Committee:

- Councillor Knight, representing Royal Leamington Spa Town Council which objected to the application;
- Mr Richmond, objecting to the application on behalf of himself and other residents; and
- Councillor Quinney, Ward Member, who spoke against the application.

Members were mindful that the objectors had concerns about parking issues, but noted that Warwickshire County Council Highways had not made any objections in respect of this providing a unilateral undertaking to remove the rights of future occupiers of the development to parking permits was imposed.

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

The Committee therefore

Resolved that W/17/0465 be **granted** in accordance with the recommendations in the report, subject to the following conditions and a unilateral undertaking to remove rights of future occupiers of the development to parking permits:

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

PLANNING COMMITTEE MINUTES (Continued)

- (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 3075-03 C submitted on 14th March 2017 and 3075-02K submitted on 19th June 2017, 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) 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;
- (4) other than site clearance and preparation works no works shall commence on the construction of the development hereby permitted until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011;
- (5) unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy SC13 of the Warwick District Local Plan 1996-2011:
 - (i) no development shall commence unless or until a scheme for such provision or improvement (identifying the size/extent, location and specification of the space and

PLANNING COMMITTEE MINUTES (Continued)

works) has been submitted to and approved in writing by the Local Planning Authority; and

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

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

- (6) the development hereby permitted (including demolition) shall not commence until a bat survey of the building, including appropriate building inspection and 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. Such approved mitigation plan shall thereafter be implemented in full. **Reason:** To ensure that protected species are not harmed by the development;
- (7) the development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO² emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;
- (8) if an air source heat pump is chosen as the method to comply with the requirement for renewable energy, noise arising from the air source heat pump(s) permitted, when
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PLANNING COMMITTEE MINUTES (Continued)

measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **Reason:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;

(9) 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; and

(10) the development hereby permitted shall not be occupied unless and until the cycle storage for the development has been constructed or laid out, and made available for use by the occupants of the development and thereafter those areas shall be kept free of obstruction and be available at all times for the storage of cycles associated with the development. **Reason:** In the interests of encouraging the use of alternative modes of transport with the aim of creating a more sustainable development in accordance with Policies SC4 & DP8 of the Warwick District Local Plan 1996-2011.

43. **W/17/1009 – Durham Ox, 111 Shrewley Common**

The Committee considered an application from Mr Harvey for the erection of a single storey rear extension and relocation of the front porch.

The application was presented to Committee because the recommendation was to refuse planning permission, but support for the proposals had been received from Shrewley Parish Council.

PLANNING COMMITTEE MINUTES (Continued)

The officer was of the opinion that the proposed development, when taking the existing extensions into consideration would represent a total increase in gross floor space above the original building of 221.6% which was considered to represent a disproportionate addition to a building located within the Green Belt. No very special circumstances had been presented which would outweigh the harm caused to the openness of the Green Belt as a result of the proposed development, which was considered to be contrary to paragraph 87 of the NPPF. It was therefore recommended that the proposal should be refused.

An addendum circulated at the meeting advised that the officer's report incorrectly stated that the site was located within Rowington, when it was actually located within Shrewley Parish.

The following people addressed the Committee:

- Mr Darwen, representing Shrewley Parish Council, which supported the application;
- Mrs Day, a planning consultant acting on behalf of the applicant; and
- Councillor Gallagher, Ward Member, who spoke in support of the application.

Members were sympathetic to the appeals from the supporters that this public house was in danger of closure if something was not done to drum up more business. Officers informed Members that they had actively encouraged the applicant to provide the information on the very special circumstances sufficient to outweigh the harm to the Green Belt but to-date, information provided was insufficient. The information provided by Mrs Day at the meeting was not new information. Conscious that the Durham Ox was at serious risk of closure, Members agreed to provide the applicant more time to provide the necessary evidence of very special circumstances.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Day and seconded by Councillor D'Arcy that delegated authority should be given to the Head of Development Services, in consultation with the Chairman of Planning Committee to grant permission subject to the applicant providing sufficient evidence of very special circumstances outweighing the harm to the Green Belt; this evidence would be provided through the provision of further financial and viability information. If this was not forthcoming, then the application would be brought back before Planning Committee at the next meeting.

The Committee therefore

Resolved that W/17/1009 Authority is delegated to the Head of Development Services, in consultation with the Chair of Planning Committee, to grant planning permission subject to her being satisfied that very special circumstances sufficient to outweigh the harm to the Green Belt have been demonstrated

PLANNING COMMITTEE MINUTES (Continued)

through the provision of further financial and viability information.

If such information is not forthcoming then the matter will be brought back before the Planning Committee to reconsider.

44. **W/17/0913 – Landlord Furniture, 104 Trinity Street, Royal Leamington Spa**

The Committee considered an application from Landlord Furniture Limited for the part demolition of a warehouse building, change of use of the coach house and the erection of a two storey extension to form three student cluster flats comprising nine units, 10 units and four units.

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

The officer was of the opinion that the proposal would provide additional housing for students, and was considered to meet the Council's emerging Local Plan Policy H6 for HMO and student housing. The proposal would provide acceptable living conditions for the future occupiers of the site, without a harmful impact on the living conditions of the occupiers of nearby dwellings. Furthermore, the proposal was not considered to have a harmful impact on highway or pedestrian safety, or ecology, and would provide adequate waste and cycle storage.

An addendum circulated at the meeting gave a summary of further supporting comments that had been received from the applicant's agent.

Mr Beale addressed the Committee, in opposition to the application.

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

The Committee therefore

Resolved that W/17/0913 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved amended drawings 941 - 09 Rev A submitted on 13th June 2017, and 941 - 10

PLANNING COMMITTEE MINUTES (Continued)

Rev B and 941 - 08 Rev A submitted on and 15th June 2017, 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 either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO² emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;
- (4) the roofing material for the development shall be natural slate, a sample of which shall have been submitted to and approved in writing by the District Planning Authority. The development shall be carried out in accordance with the approved details. **Reason:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011;
- (5) the development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous

PLANNING COMMITTEE MINUTES (Continued)

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

- (6) the development hereby permitted shall only be undertaken in strict accordance with a scheme of site investigation of the nature and extent of contamination within the application site that has been undertaken in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall not be occupied until remediation measures have been carried out in full accordance with such approved details and a soil validation report has been submitted to and approved in writing by the local planning authority. **Reason:** To safeguard health, safety and the environment in accordance with Policies DP3 & DP9 of the Warwick District Local Plan 1996-2011;

PLANNING COMMITTEE MINUTES (Continued)

- (7) 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;

- (8) 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: the delivery and working hours; the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage and use 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; details of lighting; 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;

PLANNING COMMITTEE MINUTES (Continued)

- (9) the development hereby permitted shall not be occupied unless and until the building has been insulated in strict accordance with the scheme of works detailed in the Clover Acoustic Noise Assessment submitted to the Local Planning Authority on 8th May 2017. **Reason:** To ensure that the level of noise emanating from the building is confined to levels which would not cause unacceptable disturbance to the detriment of the amenities of the occupiers of nearby properties in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;
- (10) if an air source heat pump is chosen as the method to comply with the requirement for renewable energy, noise arising from the air source heat pump(s) permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **Reason:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;
- (11) 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;
- (12) 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

PLANNING COMMITTEE MINUTES (Continued)

of the Warwick District Local Plan 1996-2011;
and

- (13) the development hereby permitted shall not be occupied unless and until the approved cycle parking facilities have been provided and made available for use in accordance with the details on the approved drawings and thereafter those facilities shall remain available for use at all times. **Reason:** In the interests of encouraging the use of alternative modes of transport with the aim of creating a more sustainable development in accordance with Policies SC4 & DP8 of the Warwick District Local Plan 1996-2011.

45. TPO 523 – 10 Crown Terrace, High Street, Royal Leamington Spa

The Committee considered an application for the confirmation of a provisional Tree Preservation Order (TPO) relating to two sycamore trees.

The application was presented to Committee because objections had been received against the confirmation of the TPO.

The officer was of the opinion that the issues raised in objection to the TPO were not sufficient to outweigh the significant amenity contribution which the trees made to their surrounding area and therefore it was expedient to confirm this TPO.

Mrs Dixon addressed the Committee in opposition to the TPO.

Following consideration of the report, presentation, and the representation made at the meeting, it was proposed by Councillor Boad and seconded by Councillor Mrs Bunker that officers should be authorised to confirm TPO 523 without modification.

The Committee therefore

Resolved that officers are authorised to confirm TPO 523 without modification.

46. W/17/0152 – Land to the south east side of Offchurch Lane, Radford Semele

The Committee considered a reserved matters application from Bovis Homes Limited for the layout, landscaping, scale and appearance for 150 dwellings together with associated infrastructure and engineering pursuant to previously approved outline application reference W/16/0196.

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

The officer was of the opinion that the application was considered to provide a high quality residential environment in accordance with the

PLANNING COMMITTEE MINUTES (Continued)

garden suburbs principles, including an appropriate mix of market and affordable housing and acceptable dwelling house and layout design solutions, which included areas of public open space. The scheme therefore complied with the policies listed in the report. The Head of Development Services advised Members that it was their intention to impose a note to the applicant on levels.

An addendum circulated at the meeting advised that:

- the applicant had provided revised landscaping plans and information about the distribution of affordable housing across the development both in response to consultation responses received;
- one additional third party letter of objection had been received;
- further comments had been received from Warwickshire County Council Highways, proposing additional conditions and notes in respect of the provision of emergency access onto Offchurch Road and the specifications of estate roads; and
- additional correspondence had been received from the agent reiterating actions taken and changes made to the scheme in direct response to public consultation exercises and comments received from neighbours.

Mr Bains addressed the Committee in opposition to the application.

Members informed officers that it would be more useful if reports provided figures on the local requirement for affordable housing, not just District wide requirements.

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

The Committee therefore

Resolved that W/17/0152 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings RAD2/02/210, RAD2/02/250, HTPD_P2B_AFF, HTPD_S110, HTPD_S241 LTH_1, HTPD_S351 LTH_1, HTPD_S351 LTH_3, HTPD_S461_1, HTPD_S461_3, HTPD_P2301 1 OF 2, HTPD_P2301 2 OF 2, HTPD_P2B, HTPD_P3407, HTPD_C3003CT 1 OF 2, HTPD_C3003CT 2 OF 2, HTPD_P3003v, HTPD_P3402 1 OF 2, HTPD_P3402 2 OF 2, HTPD_P4501 1 OF 2, HTPD_P4501 2 OF 2, HTPD_P506 1 OF 2, HTPD_P506 2 OF 2, HTPD_P507 1 OF 3, HTPD_P507 2 OF 3, HTPD_P507 3 OF 3,

PLANNING COMMITTEE MINUTES (Continued)

HTPD_P602 1 OF 3, HTPD_P602 2 OF 3, HTPD_P602 3 OF 3, RAD2/02/120 rev B, RAD2/02/290, RAD2/02/280 rev B and specification contained therein, submitted on 20 April 2017, approved drawing RAD2-03-101 Rev B and specification contained therein, submitted on 12 May 2017, approved drawings PD_AGD2-1 rev A, PD_AGS2-2 rev A, PD_AGS2-1 rev A, RAD2/02/230 rev C, RAD2/02/240 rev C, RAD2/02/260 rev C, RAD2-03-100 rev C 1 of 5, RAD2-03-100 rev C 2 of 5, RAD2-03-100 rev C 3 of 5, RAD2-03-100 rev C 4 of 5, RAD2-03-100 rev C 5 of 5 and specification contained therein, submitted on 15 May 2017, approved drawings RAD2-05-001 rev B, RAD2-05-002 rev B, RAD2-05-003 rev B, RAD2-05-005 rev A, RAD2-05-006 rev A and specification contained therein, submitted on 2 June 2017, approved drawing RAD2/02/100 rev F and specification contained therein, submitted on 30 June 2017 and approved drawings PD_AGT2-2 rev B and PD_AGT2-1 rev B and specification contained therein, submitted on 6 July 2017. **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) no part of the development hereby permitted shall be commenced until a revised Biodiversity Impact Assessment (BIA) calculation has been undertaken by a suitably qualified ecologist and the report detailing the findings submitted to and approved in writing by the Local Planning Authority. **Reason:** To safeguard the presence and population of 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;
- (3) unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy SC13 of the Warwick District Local Plan 1996-2011:
 - (i) no development shall commence unless or until a scheme for such provision or improvement (identifying the size/extent, location and specification of the space and works) has been submitted to and approved in writing by the Local Planning Authority; and

PLANNING COMMITTEE MINUTES (Continued)

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

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

- (4) the 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;

- (5) proposed conditions and notes from WCC Highways in respect of the provision of an emergency access onto Offchurch Road and the specifications of estate road; and
- (6) a note to the applicant about levels.

The meeting was adjourned at 8.10 pm for 15 minutes.

(Councillor Mrs Evetts left the meeting.)

47. W/17/0925 LB – 19 Mill Street, Warwick

The Committee considered a retrospective application from Mrs Middlebrook for the removal of two internal walls at ground floor and the installation of three conservation roof lights.

The application was presented to Committee because an objection had been received from Warwick Town Council.

The officer was of the opinion that the works complied with the policies listed in the report, and was not considered to harm the integrity of the listed building.

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

PLANNING COMMITTEE MINUTES (Continued)

The Committee therefore

Resolved that W/17/0925 LB be **granted** in accordance with the recommendations in the report, subject to the following condition:

- (1) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing no. W19/01A, and specification contained therein, submitted on 6th July 2017. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DAP4 and DAP8 of the Warwick District Local Plan 1996-2011.

48. **W/17/0602 – 10 The Paddocks, Warwick**

The Committee considered an application from Mr Jones for the demolition of the existing garage, rear single storey extension and full height bay window to the front. The construction of a new proposed two storey side extension, single storey rear extension and mono-pitched single storey extension to the front.

The application was presented to Committee because an objection had been received from Warwick Town Council.

The officer was of the opinion that the principle of development was acceptable subject to the relevant material considerations assessed in the report. There would be no visual harm arising from the proposals and the development was considered to be acceptable in terms of its impacts on neighbouring amenity. For these reasons it was recommended that planning permission should be granted.

An addendum circulated at the meeting gave a summary of additional representations received from a neighbouring property and the officer's response to this.

Following consideration of the report, presentation, and information contained in the addendum, it was proposed by Councillor Mrs Stephens and seconded by Councillor Mrs Bunker that the application should be granted.

The Committee therefore

Resolved that W/17/0602 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990
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PLANNING COMMITTEE MINUTES (Continued)

(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 PL-001, PL-002, PL-003 and PL-004, and specification contained therein, submitted on 4 April 2017 and EL-001 Rev.A and specification contained therein, submitted on 2 June 2017. **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 either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO² emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;
- (4) if an air source heat pump is chosen as the method to comply with the requirement for renewable energy, noise arising from the air source heat pump(s) permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **Reason:** To protect the

PLANNING COMMITTEE MINUTES (Continued)

amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011; and

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

49. TPO 524 – Land known as Robindale, Honiley

The Committee considered an application for the confirmation of a provisional Tree Preservation Order (TPO) relating to an oak tree.

The application was presented to Committee because objections had been received against the confirmation of the TPO.

The officer was of the opinion that the issues raised in objection to the TPO were not sufficient to outweigh the significant amenity contribution which the tree made to its surrounding area and therefore it was expedient to confirm this TPO.

Following consideration of the report and presentation, it was proposed by Councillor Mrs Bunker and seconded by Councillor Heath that officers should be authorised to confirm TPO 524 without modification.

The Committee therefore

Resolved that officers are authorised to confirm TPO 524 without modification.

50. Planning Appeals Report

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

Members requested that a short training session should be held after the close of a future Planning Committee on handling appeals.

Resolved that the report be noted.

(The meeting ended at 8.45pm)

Application No: [W 17 / 0526](#)

Town/Parish Council: Warwick
Case Officer: Lucy Hammond
01926 456534 lucy.hammond@warwickdc.gov.uk

Registration Date: 26/04/17
Expiry Date: 21/06/17

9 Old Square, Warwick, CV34 4RA

Proposed change of use of ground floor from A1 (retail) to A3 (restaurant) for use as lounge area in association with adjacent premises (No.7 Old Square) together with proposed change of use of upper floors from office to create 1no. 2 bed flat FOR Rayhill Property Ltd

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

RECOMMENDATION

That planning permission be granted subject to the conditions and notes listed at the end of this report.

DETAILS OF THE DEVELOPMENT

Planning permission is sought to change the use of the vacant unit (No.9) from A1 retail into A3 restaurant which would create an extension to the adjacent unit (No.7). Planning permission is also sought, retrospectively, for the change of use of the upper floors above the empty shop into one single flat.

To facilitate the proposals at ground floor, a new internal opening is proposed to create a link and connect the two units. This specific element of the proposals does not require planning permission and therefore does not form part of this particular application. It is subject to a separate application for listed building consent which is on this same agenda for consideration by Members.

THE SITE AND ITS LOCATION

No.9 is a Grade II listed building located in the cafe quarter of Warwick's Conservation Area. It is also located within one of the town's Retail Areas. The building is a separate historic structure to No.7, though evidently forms part of the group to which No.7 and other adjoining units belong. It is a three storey building, with a vacant shop unit occupying the ground floor. The two floors above, which were historically used as offices, are now in use as a single residential flat, for which retrospective permission is sought as part of this application.

PLANNING HISTORY

W/17/0752/LB - Repairs and repainting to front of building, including walls, windows and doors - Approved 28.06.2017

W/15/1901 - Notification for Prior Approval (under Class C, Schedule 2, Part 3 of the GPDO) for a Change of Use from Shops (Class A1) to Restaurants and Cafes (Class A3) - Refused (planning permission required) 14.01.2016

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)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- TCP2 - Directing Retail Development (Warwick District Local Plan 1996 - 2011)
- TCP6 - Cafe Quarters (Warwick District Local Plan 1996 - 2011)
- TCP8 - Warwick Town Centre Mixed Use Area (Warwick District Local Plan 1996 - 2011)
- DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DAP5 - Changes of Use of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DAP7 - Restoration of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- TC2 - Directing Retail Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TC8 - Warwick Cafe Quarter (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TC11 - Warwick Town Centre Mixed Use Area (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H1 - Directing New Housing (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)
- TR4 - Parking (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)

Guidance Documents

- The 45 Degree Guideline (Supplementary Planning Guidance)
- Vehicle Parking Standards (Supplementary Planning Document)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Open Space (Supplementary Planning Document - June 2009)

SUMMARY OF REPRESENTATIONS

Warwick Town Council: No objection

WCC Ecology: No objection; notes recommended

WCC Highways: No objection

Health and Community Protection (Environmental Sustainability Section): No objection subject to condition

CCTV: No objections

Green Space team: No objections subject to condition

Public Response: 7 letters of objection received raising the following concerns:-

- the proposal is an area in need of more A1 retail use
- this will lead to more noise and disturbance
- the occupants of the flat above No.9 will be affected by increased noise from the unit below
- the archway between Nos.7 and 9 is out of character and any doorway would destroy their integrity

a mix of businesses should be retained in this part of the town

ASSESSMENT

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

- Principle of the change of use
- The impact on the character and appearance of the area
- The impact on heritage assets
- The impact on living conditions of nearby dwellings
- Car parking and highway safety
- Sustainability
- Ecological impact
- Open space
- Health and Wellbeing

Principle of the change of use

The principle of development is twofold; firstly there is the change of use of the ground floor from A1 to A3 and additionally there is the change of use of the upper floors into a single flat.

Change of use from A1 to A3

Since the site lies in Warwick's designated Café Quarter, saved policy TCP6 of the Warwick District Local Plan is relevant. This permits the change of use from general shops (use class A1) to restaurants and cafés (use class A3) within Market Place and Old Square. The site is in the latter, as defined on the Proposals Map.

Further to the above, saved policy TCP2 which seeks to protect the retail areas in the town (of which this site is one) prohibits the change of use of any A-class use to another use falling outside the A-classes and states the policy applies to any A-class use on upper floors as well as at ground floor level.

The above provisions are carried forward in part into the emerging Local Plan policies. TC3 reiterates the provisions of TCP2 however, in respect of the café quarter, Old Square has not been specifically referenced in the same way as Market Place in emerging policy TC8. Nevertheless, since the proposed change of use remains within the A-class group, it is considered that the change of use of the ground floor from vacant shop to restaurant is acceptable in principle in accordance with both the saved and the emerging local plan policies.

Conversion of upper floors to a residential flat

Saved Local Plan policy UAP1 relates to the direction of new housing and states that residential development will be permitted on previously developed land and buildings within the confines of the urban areas. The site is located within the confines of the urban area and would make use of the upper floors of an existing building. Emerging Local Plan policy H1 reiterates the preference to locate housing in the first instance to within the Urban Areas.

The provisions of saved policy TCP2 are noted, which seek to protect the upper floors of buildings in A-class uses as well as just the ground floor, however, since the upper floors of No.9, the subject building, were previously used as offices (use class B1), there is no objection in principle to the change of use of the first and second floors to a single flat.

Overall, it is considered that the proposals to change the use of the ground floor to A3 (from vacant A1) and the upper floors from B1 offices to a single flat are acceptable in principle and accord with the relevant provisions of the Development Plan and the emerging Local Plan.

The impact on the character and appearance of the area

Saved Local Plan policy DP1 encourages the importance of good design, requiring all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area. This

is carried forward in the emerging Local Plan policy which, at BE1, requires new development to positively contribute to the character and quality of the environment through good layout and design.

The change of use of the existing vacant retail unit at ground floor to A3 use which would be associated with the adjacent No.7, is already in use as a restaurant and would not require any physical alterations to the external appearance of the building. A separate listed building consent has already been approved since this application was submitted, for the exterior painting of the building, including walls, windows and doors and other than the approved changes, no other external alterations are proposed to facilitate this proposed change of use. Similarly, on the upper floors of the building, where the change of use to a flat has already taken place, no physical alterations are proposed to the exterior of the building and accordingly. Since the appearance of the building would remain unchanged, it is not considered that either of the changes of use would impact on the character of the area and general street scene.

The development is therefore considered to be in accordance with saved Local Plan policy DP1 and emerging policy BE1.

The impact on landscape and heritage assets

Considerable importance and weight should be given to the duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, when making decisions that affect listed buildings and conservation areas respectively. These duties affect the weight to be given to the factors involved.

Listed Buildings

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Conservation Areas

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, "In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

Furthermore, saved Local Plan policies DAP4, 5, 6 and 7 are all concerned with the general protection, preservation and restoration of listed buildings, including upper floors, access to which should not be prevented through development proposals, and overall seek to ensure that proposals are sympathetic to the special architectural or historic interest, integrity or setting of the listed building. Additionally, DAP8 requires development to preserve or enhance the special architectural and historic interest and appearance of Conservation Areas.

Emerging Local Plan policy HE1 carries forward all of the same over-arching principles set out within DAP4-7 stating that development will not be permitted that would adversely affect the special architectural or historic interest, integrity

or setting of the listed building, while policy HE2 requires that new development should make a positive contribution to the local character and distinctiveness of the Conservation Area.

Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Officers have had extensive involvement with both this application and the associated listed building consent application. Overall, very little change is proposed to the fabric of the listed buildings to facilitate the proposed changes of use; the key element is the internal works, which is the subject of a separate listed building consent application. As far as the planning application for No.9 is concerned, since no structural or other aesthetic changes are proposed to facilitate the change of use, no objection is raised from a conservation point of view. Illustrative drawings of new signage were submitted with the application however, any new signage would need to be subject to a separate application for advertisement consent, which, at the time of writing this report has not been submitted. Any signage therefore does not form part of these proposals.

Overall, it is considered that the proposed change of use of the ground floor from A1 to A3 together with the retrospective change of use of the upper floors from B1 offices to a single flat would cause no adverse impact on the special architectural or historic interest, integrity or setting of the listed building and similarly, there would be no adverse harm caused to the special architectural and historic interest and appearance of the Warwick Conservation Area.

In making this assessment, regard has been had to the weight that should be given to the desirability of preserving the special interest and setting of the heritage assets.

Overall, the proposal is considered to comply with saved Local Plan policies DAP4, DAP5, DAP6, DAP7 and DAP8 as well as emerging Local Plan policies HE1 and HE2.

The impact on living conditions of nearby dwellings

Saved Local Plan policy DP2 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. This is carried forward in emerging Local Plan policy BE3. There is a responsibility for development not to cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion.

The proposed changes of use would result in no physical alterations to the building that might otherwise cause material harm to neighbouring properties and other land uses in terms of overbearing, overlooking or overshadowing.

Environmental health require sound attenuation from the new A3 use at ground floor to avoid noise disturbance to the occupiers of the flat above. The appropriate solution would be to install a suspended ceiling, which can be

secured by way of an appropriate condition, to be imposed in the event permission is forthcoming.

Overall, the proposal is considered to comply with saved Local Plan policy DP2 and emerging policy BE3.

Car parking and highway safety

The County Highways Authority has raised no objection to the application, stating that there is no parking associated with the development apart from the limited parking on Northgate Street which is subject to parking restrictions. They also advise that the flat would not be entitled to parking permits within any of the surrounding parking zones, although there are nearby surface car parks that could offer some parking provision for future residents of the flat.

Notwithstanding this advice from the Highways Authority, the Traffic Regulation Orders mapping system has also been consulted to identify what, if any, parking zones might be located within the vicinity of the application site. Incidentally, the flat *would* be eligible to apply for a parking permit for nearby streets and accordingly, in line with the Council's Parking Standards SPD, and having regard to the Highway Authority's comments which are based on there being no parking permit entitlement for the flat, it is considered appropriate that the applicant should enter into a Unilateral Undertaking to amend the Traffic Regulation Order to restrict the ability for future occupants to apply for on street permits in the local area. This would make the development acceptable in planning terms.

Subject to the submission of an Undertaking being drafted and agreed it is considered that the development would not result in any detriment to highway safety and as such it is therefore considered that the development accords with saved Local Plan policies DP6 and DP8 and emerging policies TR1 and TR4.

Sustainability

Since the proposals involve changes of use of existing floor space rather than the construction of any new floor space it is not considered the development would significantly increase the energy demands of the unit, and accordingly it is not considered appropriate to require sustainable energy provision.

Ecological impact

The County Ecologist commented on the proposals and recommended some advisory notes based on the only external works proposed being new signage. However, since those works do not form part of this application for which permission is being sought it is not necessary to attach such advisory notes in the event permission is forthcoming for the development. Overall, the development would have no detrimental impact on ecological features.

Open space

Policy SC13 seeks contributions from residential (and commercial) developments to provide, improve and maintain appropriate open space, sport or recreational facilities to meet local needs. The proposed development would not make any on-site provision for open space and accordingly, having been assessed by the Open Space team, a contribution of £1,684 would be required which would be

put toward the development objectives of St Nicholas Park, relating specifically to planting and landscaping improvements as identified within the management plan for the park. The proposal is considered to accord with SC13 and is acceptable in this regard.

Health and Wellbeing

There are no health and wellbeing issues raised.

CONCLUSION

The change of use of the ground floor of No.9 from vacant shop (use class A1) to restaurant (use class A3) is acceptable in accordance with saved Local Plan policies TCP2 and TCP6 as well as emerging Local Plan policy TC2. Likewise, the change of use of the upper floors from B1 offices to a single residential flat (use class C3) is considered acceptable in principle in accordance with saved Local Plan policy UAP1 and emerging Local Plan policy H1.

The development does not involve any physical alterations or other works to the external appearance of the building and as such, it is not considered there would be any impact to the character of the area or the appearance of the street scene. Likewise, there would be no material harm to the special architectural or historic interest, integrity or setting of the listed building and similarly, nor would there be any adverse harm caused to the special architectural and historic interest and appearance of the Warwick Conservation Area. No harmful impacts would arise to the amenity of neighbouring uses and a suitable condition imposed on any planning permission can ensure that the noise from the A3 use at ground floor does not impede the living conditions of the occupiers of the upstairs flat.

Overall, the development is considered to be acceptable having regard to all the relevant provisions of the Development Plan and the NPPF and for these reasons it is recommended that planning permission be granted subject to the conditions and notes listed below.

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 RJW 13/03/2 and specification contained therein, submitted on 10 April 2017, approved drawing SG/01 and specification contained therein, submitted on 19 April 2017 and approved drawings SG/0 and Attachment D - Revised Dimensions 28 July 17, and specification contained therein, submitted on 28 July 2017. **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 approved ground floor restaurant of the development hereby permitted shall not be brought into use, unless and until:-
- a) a noise insulation scheme has been submitted to and approved in writing by the Local Planning Authority to ensure that noise levels from the ground floor restaurant do not cause detriment to the amenity of the occupiers in the residential flat above and meet the recommendations set out in British Standard 8233 (2014) 'Sound Insulation and Noise Reduction for Buildings'; and
 - b) the noise insulation scheme approved under (a) has been implemented in full accordance with the approved details. Once implemented the approved scheme shall not be removed or altered in any way without the prior written approval of the local planning authority.'

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

- 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.

Application No: [W 17 / 0527 LB](#)

Town/Parish Council: Warwick
Case Officer: Lucy Hammond
01926 456534 lucy.hammond@warwickdc.gov.uk

Registration Date: 26/04/17
Expiry Date: 21/06/17

7 and 9 Old Square, Warwick, CV34 4RA

Change of use of ground floor of No.9 from A1 (retail) to A3 (restaurant) for use as lounge area in association with adjacent premises (No.7). Creation of new internal archway to interlink Nos. 7 and 9 internally. FOR Rayhill Propoerty Ltd

RECOMMENDATION

That listed building consent be approved subject to the conditions and notes listed at the end of this report.

DETAILS OF THE DEVELOPMENT

Listed building consent is sought to change the use of the vacant unit (No.9) from A1 retail into A3 restaurant which would create an extension to the adjacent unit (No.7). To facilitate the change of use a new opening is proposed to be cut into the wall between Nos. 7 and 9 which would form an archway and passage from one unit into the other. This is the key aspect of the works for which listed building consent is required and since it relates to internal works does not also require planning permission. The overarching changes of use proposed at No.9 are the subject of the separate application for planning permission which is on this same agenda for consideration by Members. Since no physical alterations internally or externally are proposed to facilitate the other elements of the developmnt for which planning permission is sought, there are no other aspects for consideration as part of this listed building consent application.

THE SITE AND ITS LOCATION

Nos. 7 and 9 are Grade II listed buildings located in the cafe quarter of Warwick's Conservation Area. These properties are in a very heritage-rich and sensitive location, within the immediate setting of the church and the medieval centre. Dating from the early 19th century they have architectural merit as intact surviving examples of Georgian design and are illustrative of the boom in formal, neo-classical, architecture in Warwick that replaced or refaced earlier timber-framed medieval structures after the great fire in the late 17th century (the greatest examples are nearby on Northgate Street). Numbers 5-7 are listed jointly and is likely one building, but 9 is a separate historic structure, though evidently forms part of the group.

PLANNING HISTORY

W/17/0752/LB - Repairs and repainting to front of building, including walls, windows and doors - Approved 28.06.2017

W/15/1901 - Notification for Prior Approval (under Class C, Schedule 2, Part 3 of the GPDO) for a Change of Use from Shops (Class A1) to Restaurants and Cafes (Class A3) - Refused (planning permission required) 14.01.2016

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DAP7 - Restoration of Listed Buildings (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

SUMMARY OF REPRESENTATIONS

Warwick Town Council: No objection

WCC Ecology: No objection; notes recommended

CCTV: No objections

Public Response: 7 letters of objection received raising the following concerns:-

- the proposal is an area in need of more A1 retail use
- this will lead to more noise and disturbance
- the occupants of the flat above No.9 will be affected by increased noise from the unit below
- the archway between Nos.7 and 9 is out of character and any doorway would destroy their integrity
- a mix of businesses should be retained in this part of the town

ASSESSMENT

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

- the principle of development
- the impact on heritage assets

The Principle of the Development

Saved policy DAP4 seeks to protect listed buildings by not granting consent to alter or extend a listed building where those works would adversely affect its special architectural or historic interest, integrity or setting. The proposed works affect the fabric of the listed building by reason of the internal works proposed to facilitate the change of use. However, such works are considered acceptable in

principle subject to their impact on the listed building being acceptable and not arising in any material harm. This is considered in the following section of this report.

The impact on heritage assets

Considerable importance and weight should be given to the duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, when making decisions that affect listed buildings. These duties affect the weight to be given to the factors involved.

Listed Buildings

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Furthermore, saved Local Plan policies DAP4, 5, 6 and 7 are all concerned with the general protection, preservation and restoration of listed buildings, including upper floors, access to which should not be prevented through development proposals, and overall seek to ensure that proposals are sympathetic to the special architectural or historic interest, integrity or setting of the listed building.

Emerging Local Plan policy HE1 carries forward all of the same over-arching principles set out within DAP4-7 stating that development will not be permitted that would adversely affect the special architectural or historic interest, integrity or setting of the listed building.

Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Overall, very little change is proposed to the fabric of the listed buildings to facilitate the proposed changes of use; the key element is the internal work, which involves the creation of a new opening in the walls between Nos. 7 and 9 which would interlink the two premises and provide a walk-way/passage between the two for patrons of the restaurant.

Officers initially expressed some concern about the type of opening/archway proposed. Creating a link between two separate historic structures is contentious, through the removal of historic fabric, impact on historic plan-form, and impact on the overall integrity of the building and in order to retain historic integrity, the default position should not normally be one of support. However, in certain circumstances, if there is an economic imperative, this could be justified and in this instance, there is some justification for creating an interlinking connection between the two premises.

By facilitating the use of the ground floor at No. 9 as an extension to the restaurant at No. 7, it will bring this part of the building back into use as it has been vacant for some time and has led to an evident visual and physical deterioration both inside and outside the building. The link would need to be as small and discrete as possible, as well as easily reversible, thus retaining the distinct and separate identities of the historic buildings.

Following advice from officers and subsequent site meetings with the applicant, amended plans were submitted that showed an internal opening far less ostentatious, much more discreet and therefore akin to the original advice given. The plans now illustrate a simple traditional doorway, as opposed to a large archway feature and this is considered to adequately retain the visual and physical separation between the two buildings as far as possible.

In making this assessment, regard has been had to the weight that should be given to the desirability of preserving the special interest and setting of the heritage assets.

Overall, the proposal is considered to comply with saved Local Plan policies DAP4, DAP5, DAP6 and DAP7 as well as emerging Local Plan policy HE1 and the works would not adversely affect the special architectural or historic interest, integrity or setting of the listed buildings.

SUMMARY/CONCLUSION

The principle of the proposed works, which would create an internal opening linking Nos. 7 and 9 to facilitate the change of use of No.9 from a vacant shop into an extension to the adjacent restaurant, is considered acceptable in heritage terms. The specific detail of the new opening has been amended through the course of the application and the latest plans now illustrate a form of works which are considered acceptable and which would not be deleterious to the special architectural or historic interest, integrity or setting of the listed buildings. For these reasons it is recommended that listed building consent be approved subject to the conditions set out below.

CONDITIONS

- 1 The works hereby permitted shall begin not later than three years from the date of this consent. **REASON:** To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).
- 2 The works hereby approved shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing RJW 13/03/2 and specification contained therein, submitted on 10 April 2017, approved drawing SG/01 and specification contained therein, submitted on 19 April 2017 and approved drawings SG/0 and Attachment D - Revised Dimensions 28 July 17, and specification contained therein, submitted on 28 July 2017. **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.

Planning Committee: 15 August 2017

Item Number: 7

Application No: [W 17 / 0755](#)

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

01926 456539 emma.spandley@warwickdc.gov.uk

Registration Date: 01/06/17

Expiry Date: 27/07/17

House, 97A Warwick Street, Leamington Spa, CV32 4RJ

Change of use of the first and second floors to a HMO (Use Class C4).
(Retrospective) FOR Citycorp Holdings LTD

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The application seeks to regularise a change of use of the first and second floors of the application property to a HMO (Use Class C4). The main difference between the previous application and the current application is the existence of an internal bin store.

THE SITE AND ITS LOCATION

The application property is located within the heart of Leamington Spa Town Centre, on a busy main thoroughfare and within a predominately commercial area of the town. Warwick Street consists of commercial premises at ground floor with the first floor being a mixture of residential, commercial and office space. The site is also within the Royal Leamington Spa Conservation Area.

PLANNING HISTORY

In 1974, planning permission was granted for change of use from a bakery to a restaurant which relates to No.97. However, there are no planning applications relating to the application site No.97a.

W/15/0027 & W/15/1632 Change of use of the first and second floors to a HMO (Use Class C4). (Retrospective), Refused 23rd March 2015 & 9th December 2015. For the following reasons:-

"The proposed development provides for the use of the application property as a 6 bedroomed house in multiple occupation in respect of which insufficient provision is made for the external storage of refuse containers resulting in either the accumulation of waste material (including putrescible waste) within the

property itself or on the public highway to the detriment of the residential amenities of the occupants of the application property; the occupiers of nearby properties and users of the public highway.

The proposal is therefore contrary to the National Planning Policy Framework and to the following Development Plan policies:

The Warwick District Local Plan 1996 -2011

- Policy DP2: Amenity

The Emerging Warwick District Local Plan 2011 - 2029

- Policy BE3: Amenity
- Policy H6: Houses in Multiple Occupation and Student Accommodation"

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)
- DP8 - Parking (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)

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)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (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)

Guidance Documents

- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Vehicle Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

Leamington Spa Town Council - object to this application on the following grounds:

1. Inadequate waste storage facilities leading to potential adverse impact on the amenity of residents and nearby users. This is contrary to section e) of policy H6 of the draft Local Plan.
2. The potential impact of traffic noise and the rear windows of the property overlooking the restaurant's ventilation system on residents as raised in the previous application W/15/1632 remain unaddressed.
3. Lack of any parking provision attached to this site leading to inevitable extra demand on surrounding on-street parking. Stopping residents of this property having parking permits simply moves the problem into nearby streets.

After further information was supplied to the Town Council with regards to the bin store, the Town Council still wish for their objection to remain in respect of points 1 & 3 above, together with the observation below.

The Town Council would also like to make the following observation:

Policy H6 of the draft Local Plan regarding not having more than 10% of properties within a 100m radius being HMOs is breached in this case. The town council acknowledges the application meets the exception in part a) of policy H6 but hopes that permission would not be given automatically in all such cases just by the fact that this exception exists.

Private Sector Housing: No objections

Environmental Health: No objections subject to conditions

Open Space: No objections subject to a contribution.

Waste Management: No objection.

ASSESSMENT

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

- Whether the proposals would cause or add to a harmful over-concentration of student accommodation in this area;
- The amenities of the occupiers of the HMO;
- Car parking and highway safety;
- Renewable energy / reduction in carbon footprint.

Whether the proposals would cause a harmful over-concentration of student accommodation in this area

Policy H6 of the Draft Local Plan 2011-2029 states planning permission will only be granted for Houses in Multiple Occupation where:-

- a) the proportion of dwelling units in multiple occupation (including the proposal) within a 100 metre radius of the application site does not exceed 10% of total dwelling units;
- b) the application site is within 400 metres walking distance of a bus stop;
- c) the proposal does not result in a non-HMO dwelling being sandwiched between 2 HMO's;
- d) the proposal does not lead to a continuous frontage of 3 or more HMOs; and
- e) adequate provision is made for the storage of refuse containers whereby - the containers are not visible from an area accessible by the general public, and the containers can be moved to the collection point along an external route only.

However, the policy identifies that exceptions may be made in the circumstances where the location of the HMO is on a main through fare, in a mixed use area where the proposal would not lead to an increase in activity along nearby residential streets. There is also a potential exception to e) if alternative arrangements for the storage and movement of containers are agreed in writing by the Councils Contract Services section (Waste).

Assessment

The application property is located within the heart of Leamington Spa Town Centre, on a busy main thoroughfare and within a predominately commercial area of the town. Warwick Street consists of commercial premises at ground floor with the first floor a mixture of residential, commercial and office space.

Within a 100 metre radius there are 22 HMOs; 5 along Oxford Street, which is predominately residential towards Guy Place East, and the remaining ones located above the commercial premises along Warwick Street. Due to the small amount of residential properties within the 100 metre radius the 10% threshold is breached. However, as stated above, there is an exception to a) where the proposal is located on a main thoroughfare and located within a mixed use area.

In accordance with the consideration of the previous proposal, it is considered that as the property is located within a predominately commercial area on a main thoroughfare within the town centre, whilst there is a breach of the policy in respect of the concentration of HMOs, in the particular circumstances of this application there would be insufficient harm to sustain an objection on that ground.

The previous proposal was refused by reason of inadequate provision for waste storage which has now been addressed through the provision of an internal bin store in consultation with the Council's Waste Management team who looked at at the capacity of waste typically generated by 6 persons. The store was also designed to meet fire resistance standards.

Whilst internal bin stores are never a preferred option in HMOs, because the onus is on the occupiers to keep the bin store clean and tidy, Private Sector Housing issued a HMO Licence, with the ability to review the bin storage arrangements if any complaints were raised with regards to the effectiveness of the bin store. Private Sector Housing have not received any complaints regarding the internal bin store. Taking all of the above into account, it is considered that due to the site's particular circumstances; the lack of complaints

and the store being designed to meet fire resistance standards, in this instance the internal bin store provides an acceptable waste disposal area, which will not place an unrealistic burden on the occupiers to walk the rubbish around the block to the rear of the site to deposit the rubbish.

The Amenities of the occupiers of the HMO

Noise From Restaurant Ventilation System

The rear bedrooms overlook the flat roof on which the restaurant's ventilation system is located. There is potential for residents to be adversely affected by noise through the open window or the glass of the single glazed windows. The Environmental Health Officer recommends that suitable double glazing is provided with sound proof vents to prevent the noise of the restaurant ventilation system intruding into the bedrooms, this can be controlled by a suitably worded condition. The Environmental Health Officer has requested that a condition is imposed on any grant of permission which requires a noise survey to be conducted which would then set the specification that is required for the double glazing to prevent noise from the street and restaurant intruding into the bedrooms.

Noise From Front Street/Restaurant Entrance

The front bedrooms overlook the busy street on which is situated the restaurant entrance and other venues which are open late. There is potential for residents to be adversely affected by noise through the open window or the glass of the single glazed windows. As above, the Environmental Health Officer recommends that suitable double glazing is provided with sound proof vents to prevent the noise of the restaurant ventilation system intruding into the bedrooms. This can be controlled by a suitably worded condition. The Environmental Health Officer has requested that a condition is imposed on any grant of permission which requires a noise survey to be conducted which would then set the specification that is required for the double glazing to prevent noise from the street and restaurant intruding into the bedrooms.

Noise through floor /ceiling from Restaurant Below

The restaurant and kitchen were cooking/serving lunch at the time of the EHO's visit. There was no apparent noise through the building. However, should the current or future restaurant operator wish to offer late night entertainment the floor/ceiling will need to be assessed for sound insulation at that time.

Odour From Restaurant Below

The rear windows overlook the extraction ventilation system. There was no apparent odour in the HMO at the time of my visit. Should this become an issue there appears to be plenty of space to carry out any necessary modifications to the restaurant ventilation system.

These issues were considered at the time of the previous application and were not assessed as being unacceptable.

Car parking and highway safety

The previous use of the property was a 3 bedroomed flat, which requires 2 off road parking spaces. The HMO use also requires 2 parking spaces and there is no off road parking allocated to the property. Taking into account the sustainable location of the site within the commercial core of the town centre and within easy reach of a wide range of shops, services and public transport, and considering the fact that there are parking controls on surrounding streets it was not considered that a refusal could be justified on grounds of parking, due to the fact there will be no net increase in the off road parking requirement.

Open space

The additional residents brought into the area by this application will increase the demand upon existing open space, both in the locality and the wider district in relation to destination parks which is proposed to be addressed through the use of an appropriately worded condition.

Summary/Conclusion

Following the bringing forward of an appropriate waste management solution, it is considered that the previous reason for refusal has been overcome and it is therefore recommended that planning permission be granted.

CONDITIONS

- 1 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan submitted on 26th April 2017 and approved drawings 170020 FP, and specification contained therein, submitted on 1st June 2017. **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 hereby permitted shall proceed only in strict accordance with the recommendations of a noise assessment, which shall be submitted in accordance with the principles of PPG24 'Planning & Noise'. The noise assessment shall include results for LAeq, LA10, and LA90 noise descriptors, together with a calculated arithmetical average for the LAeq. The assessment will demonstrate by calculation that internal noise levels for the proposed residential property meet the 'Good' criteria set out in British Standard 8233 'Sound Insulation and Noise Reduction for Buildings' together with any mitigation measures that are required to achieve this. The report shall also demonstrate that outdoor garden and leisure areas associated with this development meet the 55dB limit as required by the World Health Organisation (WHO). **The survey shall be submitted within 3 months of the decision date. Any necessary mitigation measures shall have been implemented in full accordance with the recommendations of**

the noise assessment within 3 months of the approval of this condition and thereafter shall not be removed or altered in any way without the prior written approval of the local planning authority. REASON: To ensure that the premises are not used in a manner prejudicial to or likely to cause nuisance or disturbance to the occupiers of nearby properties in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

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

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

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

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

Application No: [W 17 / 0864](#)

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

Registration Date: 16/05/17
Expiry Date: 15/08/17

01926 456535 rob.young@warwickdc.gov.uk

**Former Dairy Crest Depot, Quarry Street, Milverton, Leamington Spa,
CV32 6AU**

Minor material amendment to planning permission no. W16/0482 to include minor changes to the design and layout of the dwellings, boundary treatments, parking areas and the tenure of the affordable units. Planning permission no. W16/0482 was for the erection of 18 dwellings. FOR Deeley Homes

This application is being reported to Planning Committee because it is recommended that planning permission be granted subject to the completion of a legal agreement.

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 4 September 2017, 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

The application proposes a minor material amendment to planning permission no. W16/0482 to include the following changes:

- a revised design including changes to the design and arrangement of windows and doors and a change from a parapet to an eaves detail for the roof edge;
- omission of the accommodation in the roofspace so that all of the dwellings will now have just two floors of accommodation;
- a reduction in the ridge height by approximately 1.1m;
- provision of a render finish to some of the dwellings;
- increase in affordable housing to 100% provision and change in tenure;
- alterations to the parking layout, including moving some spaces from the Quarry Street frontage to the Old Milverton Road frontage, so that the 9 dwellings fronting onto Old Milverton Road all have parking accessed off that road;
- two terraces as previously approved each split in half, with one half of each terrace moved further back into the site; and
- confirmation of boundary treatments.

The applicant has agreed to enter into a section 106 agreement to secure the same section 106 contributions as the previous scheme:

- provision of 7 no. units of affordable housing;
- a contribution of £33,912 towards public open space;
- a contribution of £18,713.70 towards hospitals;
- a contribution of £967.14 towards outdoor sports facilities;
- a contribution of £15,357.24 towards indoor sports facilities;
- a contribution of the lesser of £30,000 or 1% of total financial contributions towards section 106 monitoring costs; and
- a contribution of £1,350 towards sustainability packs.

THE SITE AND ITS LOCATION

The application relates to the former Dairy Crest site that is situated at the northern end of Quarry Street and to the western side of Old Milverton Road. The site is currently vacant and was last used as a dairy. The existing buildings on the site are industrial in design and appearance. The remainder of the site is largely covered by areas of hardstanding.

There are two vehicular accesses into the site, one from Old Milverton Road and the other from Quarry Street. The site is situated within a predominantly residential area, with dwellings adjoining the site to the north and south and facing the site from the opposite side of Old Milverton Road to the east. There is also a small local shop facing the site from the opposite side of Old Milverton Road. The western boundary of the site adjoins the yard of a builder's merchants.

PLANNING HISTORY

In 2016 planning permission was granted for "Demolition of existing industrial buildings (Use Class B8); erection of 18 no. dwellings and change to the existing access" (Ref. W16/0482).

Prior to that there had been a number of previous planning applications associated with the former use of the site as a dairy. However, none of these are relevant to the consideration of the current proposals.

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)
- 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)
- DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)

- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP5 - Density (Warwick District Local Plan 1996 - 2011)
- SC2 - Protecting Employment Land and Buildings (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
- SC14 - Community Facilities (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)
- 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)
- EC3 - Protecting Employment Land and Buildings (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)
- 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)
- DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- 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)

SUMMARY OF REPRESENTATIONS

Town Council: No objection.

WCC Highways: No objection, subject to conditions.

WDC Housing Strategy: No objection.

ASSESSMENT

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

- impact on the living conditions of neighbouring dwellings;
- impact on the character and appearance of the area;
- car parking and highway safety; and
- affordable housing and section 106 contributions.

Impact on the living conditions of neighbouring dwellings

The proposed amendment would move plot 9 closer to the windows in the side of No. 61 Quarry Street. However, light and outlook for these windows is already affected by the existing wall on that boundary of the site, which is a very tall structure. In this context, the proposed amendment would not cause significant additional loss of light or loss of outlook for No. 61.

The proposed amendment would move plots 10-13 closer to the dwellings in Bankfield Drive to the rear. However, at 26m the separation distance here would still be well in excess of the 22m minimum set out in the Council's Distance Separation Guidelines.

It is also important to note that the reduction in the ridge height of the proposed dwellings will help to reduce the impact on neighbouring dwellings.

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

Impact on the character and appearance of the area

The revised design of the dwellings is in keeping with surrounding development. Furthermore the addition of render would be in keeping with the area given that there are examples of rendered properties in the vicinity of the site, in both Quarry Street and Old Milverton Road. Details of boundary treatment have been provided this time around and these are considered to be appropriate. Therefore it has been concluded that the proposed amendments would have an acceptable impact on the character and appearance of the area.

Car parking and highway safety

The amended parking layout would comply with the Council's Parking Standards in terms of the number of spaces provided. Furthermore, following the receipt of a satisfactory refuse / recycling vehicle tracking plan, the Highway Authority have raised no objection to the revised layout. Therefore it has been concluded that the proposed amendments are acceptable in terms of car parking and highway safety.

Affordable housing and section 106 contributions

The affordable housing provision is now proposed to be 100% and the changes to the tenure of the affordable housing units have been agreed with the Council's Housing Strategy team. Furthermore, the applicant has agreed to enter into a section 106 agreement to secure all of the financial contributions as per the previous scheme. Therefore it has been concluded that these amended proposals remain acceptable in terms of affordable housing and section 106 contributions.

SUMMARY / CONCLUSION

The proposed amendments would have an acceptable impact on the living conditions of neighbouring dwellings and on the character and appearance of the area. Furthermore the proposals are considered to be acceptable in terms of car parking and highway safety and in terms of affordable housing and section 106 contributions. Therefore it is recommended that planning permission is granted for the proposed amendments.

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) 3412-115A, 3412-121A, 3412-125A,

3412-126A, 3412-130A & 3412-131A, and specification contained therein, submitted on 11 May 2017. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

3 The development shall be carried out only in full accordance with sample details of the 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.

4 No part of the development hereby permitted shall be commenced until a scheme for the provision of suitable bird and bat 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 and bat 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.

5 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.

6 No development shall commence until details of the finished floor levels of all buildings, together with details of existing and proposed site levels on the application site and the relationship with adjacent land and

buildings have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with these approved details. **REASON:** To ensure sufficient information is submitted to demonstrate a satisfactory relationship between the proposed development and adjacent land and buildings in the interests of amenity in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011.

- 7 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:
 - 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.

- 8 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.

- 9 No development shall commence until details of measures to protect residents of the development from excessive traffic and commercial noise entering habitable rooms or garden areas have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with the approved details. **REASON:** To ensure that occupants of the development are not adversely affected by traffic and commercial noise, in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.
- 10 Immediately prior to the commencement of demolition works (on the same day) the interior of the smaller of the two existing buildings on the site and all potential access features in both buildings identified in the Bat Presence/Absence Survey produced by Innovation Group Environmental Services (August 2015) shall be inspected by a suitably qualified bat worker. 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 Local Authority Ecologist/Natural England. Notwithstanding any requirement for remedial work or otherwise, the qualified bat worker's report shall be submitted to the local planning authority within 1 month following completion of the supervised works to summarise the findings. **REASON:** To ensure that protected species are not harmed by the development, in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.
- 11 No development shall commence until details of all retaining walls have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with the details approved under this condition. **REASON :** For the avoidance of doubt and to ensure a satisfactory design and appearance for the development, in accordance with Local Plan Policy DP1.
- 12 The development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO² emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed

and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

REASON: To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

- 13 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.
- 14 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 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.
- 15 The development hereby permitted shall not be occupied until a Low Emission Strategy has been submitted to and approved in writing by the local planning authority. The approved Low Emission Strategy shall be implemented in strict accordance with the approved details and shall

remain in force at all times thereafter. **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.

- 16 For the duration of construction works no heavy goods vehicles shall enter or leave the site between 0700 hours and 0900 hours or between 1600 hours and 1800 hours on Mondays to Fridays. **REASON :** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan.
 - 17 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. **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.
 - 18 The access to the site shall not be constructed in such a manner as to reduce the effective capacity of any drain within the limits of the public highway. **REASON:** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.
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Planning Committee: 15 August 2017

Item Number: 9

Application No: [W 17 / 0894](#)

Town/Parish Council: Bishop's Tachbrook
Case Officer: Dan Charles

01926 456527 dan.charles@warwickdc.gov.uk

Registration Date: 18/05/17

Expiry Date: 17/08/17

**Land South of Gallows Hill/ The West Side Of, Europa Way, Warwick
CV34 6SP**

Application to Vary and Omit Conditions to reflect the revised access location;
submission of a site-wide design code and the phased nature of the development

FOR Gallagher Estates Ltd

This application is being presented to Committee due to an objection from the Parish/Town Council having been received and because of the need to vary the associated Section 106 Agreement.

RECOMMENDATION

Planning Committee are recommended to GRANT planning permission, subject to the revised conditions and subject to the completion of a satisfactory section 106 agreement. Should a satisfactory Section 106 Agreement not have been completed by 4 September 2017, 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

Details of the Development

This application is made under section 73 of the Town and Country Planning Act 1990 which relates to the consideration of applications to vary or omit conditions imposed on a previous planning permission but subject where appropriate to revised conditions.

In considering such applications the Local Planning Authority is only able to consider the conditions in question rather than the principle and merits of the development as a whole.

The conditions the subject of this application are:-

Condition 5 – Location of access onto Gallows Hill.

This condition is to be varied to reflect the updated position of the access following discussions with the adjacent land owner to the north of the site and consultation with County Highways.

Condition 7 – Development in Accordance with Design and Access Statement.

This condition is requested to be omitted following the submission of the Site Wide Design Code.

Condition 8 – Submission of Design Code.

This condition is requested to be varied so that it refers to the Design Code now submitted.

Condition 9 – Site Wide Masterplan submission.

This condition is requested to be removed as the masterplan details are proposed to be incorporated into the submitted Design Code required by Condition 8.

Condition 11 – Landscape buffer to western boundary.

This condition is requested to be removed as its requirements will be incorporated into the design code/masterplan the subject of revised condition 8.

Condition 20 – Submission of Energy Statement.

This condition is requested to be varied to require the submission of details prior to the residential phases of the development rather than prior to the commencement of any development.

Condition 22 – Scheme for provision of water supplies/hydrants.

This condition is requested to be varied to require the submission of details to be submitted prior to the commencement of individual residential phases of the development rather than prior to the commencement of any development.

THE SITE AND ITS LOCATION

The site lies to the south of Warwick and is currently an open arable field with a smaller rectangular pasture in the south-east corner. The northern part of the site is generally level whilst the southern part slopes gently down to the Tach Brook and the paddock beyond which is on a small hillock. It covers a total of 23.75 hectares.

To the north, the site is bounded by Gallows Hill, to the east by Europa Way, the southern boundary follows the Tach Brook, whilst to the east the site cuts midway across open fields. To the west of this area is farm land and the Banbury Road. Beyond this lies the historic Castle Park which is a Grade I Registered Park and Garden which forms the setting to the Grade Listed Castle, part of which is

also a Scheduled Ancient Monument, and is within the Warwick Conservation Area.

There is a small portion of Flood Risk Zone 2 alongside a tributary leading to the Tach Brook, whilst Zone 3 follows the Tach Brook.

The site is within the Feldon Parklands local landscape character area.

PLANNING HISTORY

W/14/0681 - Residential development up to a maximum of 450 dwellings including the provision of two points of access (on from Europa Way and one from Gallows Hill) and other infrastructure. (Outline application including details of access) – **Refused 31 April 2015** and **Appeal Allowed 14 January 2016**

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- 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)
- 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)
- 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)

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)
- DS4 - Spatial Strategy (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)
- DS1 - Supporting Prosperity (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)
- DS11 - Allocated Housing Sites (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS15 - Comprehensive Development of Strategic Sites (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)
- BE1 - Layout and Design (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)
- 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)
- 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)

- 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)
- HE1 - Protection of Statutory Heritage Assets (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)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE4 - Landscape (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- W1 - Waste Core Strategy (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

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

SUMMARY OF REPRESENTATIONS

Leamington Spa Town Council: The Town Council, whilst acknowledging this site falls slightly outside the Leamington Spa boundary, would like to raise an objection to the removal of the landscape buffer zone. More investigation is needed into the impact this would have on loss of biodiversity in this area, and especially loss of trees.

Stagecoach Buses: Strongly support. Will improve the efficiency and directness of bus routes.

Warwickshire Police: No observations to make.

Natural England: No comments to make on this application.

WCC Rights of Way: No objection to the variation.

Historic England: No objection.

WCC Ecology: Concern over loss of 20m buffer originally requested as screening. If the buffer was included in the Biodiversity Offsetting Calculation, this will need to be amended at Reserved Matters stage.

WCC Highways: No objection to amended access point. Minor issues need addressing within the Design Code to ensure it is in compliance with Highways Standards.

1 Public Response received;

This is a valuable green field site to the south of Warwick, providing a necessary 'lung' to an increasingly polluted town as well as a beautiful approach to our lovely town.

There is already an enormous amount of traffic queueing along the Banbury Road and down Gallows Hill at peak times. This building development would make matters far worse.

In addition, the historic bridge over the Avon at Bridge End could suffer enormous structural damage from the increased flow of traffic.

Condition 11 - cannot see why there is no longer a need for a 20m landscape buffer to be provided to the west of the site. Please insist on this buffer being retained.

ASSESSMENT

Principle of development

As the principle of residential development on this site has been established under W/14/0681 and that permission is extant, there is no requirement to re-assess the principle for this proposal.

Consideration of the proposed conditions to be varied

Condition 5 – Revision of the Access

The proposed change to this condition reflects a request made by the County Council Highways Team to align the two proposed accesses from Gallows Hill that serve the application site and the site that lies immediately to the north granted planning permission under reference W/14/0967 for a mixed use development. That application is also currently subject to a variation of condition application to reflect the above situation.

The effect of aligning the accesses to each site allows for the creation of a single, signal controlled crossroads junction to serve both sites which will result in improved traffic management to both sites which is considered to improve highway safety in this location. This has been demonstrated within an updated Modelling Review and Capacity Assessment Technical Note commissioned by the applicants in negotiation with the County Highways Office.

The proposed location has been assessed by the County Council Highways Team and no objection is raised to the revised junction location as detailed on the revised plans. The revised access will tie in with the current application on the site to the immediate north to allow a comprehensive highway solution to the highways requirements across the sites.

Officers therefore recommend that the condition be varied to update the revised plan and access location.

Condition 7/8/9 – Design Code/Site Wide Masterplan

The original permission had three separate conditions relating to the future requirements of any Reserved Matters submission to ensure that the development is built to an appropriately high standard.

The applicants have submitted a comprehensive Site Wide Design Code that satisfactorily amalgamates the 3 previous conditions that required submission of design specifications and criteria.

The Design Code as submitted now is a comprehensive 103 page document that sets out the background to the site and the negotiations that have taken place to arrive at the finalised design methodology. The Design Code ensures that the future reserved matters applications are subject to the strict design criteria to ensure a high quality development that has visual and design cohesion with the adjacent new development at Lower Heathcote Lane that adjoins the application site.

Officers are satisfied that the updated Design Code is acceptable and subject to any final minor alterations, will act as a practical benchmark for the guiding of the design of the proposed dwellings, landscaping; infrastructure and open space provision for this site to secure a high quality environment for future occupiers and the District as whole.

There is therefore considered to be no objection to the reconfiguration of the conditions in question as requested.

Condition 11 – Landscape buffer to the western boundary.

At the time of the original appeal decision, there was no information available about the proposed residential development of the adjacent site to the north west including the nature of the boundary with this site. For that reason the requirement for a 20 metre wide landscape boundary with the (then) open countryside was included by condition to set the general parameters of what is required.

As further potential proposals for the development of the adjoining site including in respect of the relationship between the 2 sites begin to come forward, work has been taking place to consider further the nature of the appropriate configuration of this landscaped area. Whilst it is proposed to retain a very significant landscape buffer along this boundary of the order of 20 metres, in order to enable greater flexibility and the appropriate integration of the landscaping of the 2 sites, it is considered to be appropriate that this is

controlled via an approved design code rather than a standalone condition which offers less flexibility.

Conditions 20 and 22 – Submission of Energy Statement and water supplies/hydrants scheme.

These conditions are requested to be varied to require the submission of the relevant information prior to the commencement of the development of individual residential phases rather than prior to the commencement of the whole development.

That proposed variation is considered to be appropriate and acceptable within the context of the scale and amount of development coming forward.

Updating of Other Conditions

As work to bring this development forward progresses, and separately to the proposals the subject of this report, submissions are made to discharge individual conditions attached to the original grant of planning permission, it becomes necessary to vary some of the other conditions to reflect the updated position which will be the case when, subject to the decision of Planning Committee, the decision notice is reissued in respect of this development.

Conclusion

The variation of conditions proposed by this application is considered to be an appropriate and pragmatic response to changing circumstances as the more detailed aspects of the proposals begin to come forward and is considered to be acceptable

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 Local Planning Authority shall be required to the under-mentioned matters hereby reserved before any development is commenced:-
 - a. layout
 - b. scale
 - c. appearance
 - d. landscaping

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 14 January 2016. **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 14 January 2016 or within two years of the final approval of the reserved matters, whichever is the later. **REASON:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).
- 4 No dwellings shall be occupied until the access to the site from Europa Way has been located and laid out in general accordance with drawing number C14171/SK084/P4-Europa Way Junction General Arrangement with existing trees. **REASON:** To ensure that appropriate access is provided to the site in the interest of highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011.
- 5 If the junction to the north as approved under planning permission ref: W/14/0967 has been implemented the access to the site from Gallows Hill shall be located and laid out in general accordance with drawing C16133 SK030 Rev P1 ; or alternatively if the junction to the north has not been implemented that access shall be located and laid out in general accordance with drawing number C1471-614-p1. **REASON:** To ensure that appropriate access is provided to the site in the interest of highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011.
- 6 The access to the site for occupants'/residents' vehicles shall not be used in connection with the development until it has been surfaced with a suitable bound material for its whole length. **REASON:** To ensure that appropriate access is provided to the site in the interest of highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011.
- 7 The subsequent Reserved matters applications for any phase of the development shall be submitted in general accordance with the approved Site Wide Design Code Document reference G.0270_01i dated June 2017 for the approved development unless otherwise agreed in writing or superseded with an updated/revised Design Code Document. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.
- 8 No phase of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until the details identified within the approved Arboricultural Impact Assessment and Method Statement submitted on 22 May 2017

have been implemented in full for the protection of all existing trees and hedges to be retained on site 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 that phase 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 hereby permitted shall, for that phase of the development, commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan shall also include details of habitat enhancement/creation measures and management, such as native species planting, wildflower grassland creation, woodland and hedgerow creation/enhancement, and provision of habitat for protected and notable species (including location, number and type of bat and bird boxes, location of log piles). Such approved measures shall thereafter be implemented in full for the phase of development. **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.
- 10 No phase of the development hereby permitted (including vegetation clearance) shall commence until further breeding bird surveys of the site have been carried out and a detailed mitigation plan including a schedule of works and timings for the relevant phase has been submitted to and approved in writing by the Local Planning Authority. Such approved mitigation plan shall thereafter be implemented in full. **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 phase of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until the details identified within the approved Arboricultural Impact Assessment and Method Statement submitted on 22 May 2017 have been implemented in full for the protection of all existing trees and hedges to be retained on site 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 that phase

of the development have been completed and all equipment, machinery and surplus materials have been removed. **REASON:** To protect trees and other features on site during construction in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.

12 No phase of the development hereby permitted shall commence until a Construction and Environmental Management Plan (CEMP) in accordance with BS 42020:2013 has been submitted to and approved in writing by the local planning authority for that phase of the development. In discharging this condition the LPA expect to see 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 agreed Construction and Environmental Management Plan for that phase of the development shall thereafter be implemented in full. **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.

13 No development shall take place under any relevant phase of the development (other than Sub-phase A – Europa Way Highways Works) until a detailed lighting scheme for that phase which shall use low energy lighting 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 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.

14 No phase of the development hereby permitted shall take place on site until the applicant, or their agents or successors in title, has secured the works as identified within the written scheme of investigation submitted on 11 January 2017 and approved in writing by the Local Planning Authority for each relevant phase. **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.

15 No phase of the development shall take place unless and until:

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

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

b. The site investigation for that phase has been undertaken in accordance with details approved by the 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 for the relevant phase, has been submitted to the planning authority. The method statement shall include details of how the remediation works will be validated upon completion. This should be approved in writing by the planning authority prior to the remediation being carried out on the site. All development of the site shall accord with the approved method statement. If during development of each relevant phase, contamination not previously identified, is found to be present at the site then no further development within that phase shall take place until an addendum to the method statement addressing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the LPA. Prior to the commencement of each relevant phase of the development, a

report shall be submitted to the Local Planning Authority that provides verification that the required works, regarding contamination for that part of the site, 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.

- 16 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.
- 17 No residential phase of the development hereby permitted shall be commenced unless and until a scheme showing how at least 10% of the predicted energy requirement of the development of that 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 residential phase of development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.
- 18) No phase of the development hereby permitted shall be carried out other than in strict accordance with the details of surface and foul water drainage works and a detailed scheme for the disposal of surface water (incorporating where possible Sustainable Urban Drainage principles) for that phase which shall have been submitted to and approved in writing by the local planning authority. Details to be submitted shall include:
- a. a detailed design flood risk assessment for the site to incorporate both fluvial and pluvial flooding mechanisms and any effects on existing water bodies or drainage systems including:- plans showing the existing and proposed drainage systems including levels, sizes, material, fall and construction details and standards in comparison to finished floor levels along with Manhole schedules;
 - b. Plans defining the water catchment areas for the site including the offsite catchment areas that contribute to the drainage areas. This plan

should show areas of impermeable and permeable surfaces of the proposed site including calculations of these areas in a clear labelled table;

c. The applicant is to provide calculations/models of pipe flows, discharge rates from the site and flood storage volume and design water levels reducing the off-site discharge rates to mimic existing greenfield run off rates. This should include calculations for 1 in 1 year, 1 in 30 and 1 in 100 year + 30% climate change allowance;

d. Provide calculations and percolation test results carried out on the site for the infiltration of water (if used), i.e. soakaways, swales, ponds with photos and attached report;

e. To provide plans long and across sections through the site and a plan showing overload flow paths with arrows for storm events that exceed the capacity of the drainage systems; (vi) To provide details of the proposed maintenance of water systems for the site into the future and a risk assessment for open bodies of water and structures, a plan showing the proposed phased development of the site together with details of discharge consents from the land drainage authority and Severn Trent Water

REASON: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures in accordance with Policies DP3 & DP11 of the Warwick District Local Plan 1996-2011.

19 No residential phase of the development hereby permitted shall be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes for that phase of the development, has been submitted to and approved in writing by the Local Planning Authority. No residential phase of the development shall be occupied until the scheme relating to that phase has been implemented to the satisfaction of the Local Planning Authority.

REASON: In the interests of fire safety.

20 No residential phase of the development shall take place under any reserved matters consent until a scheme for that reserved matters consent has been submitted to and approved in writing by the Local Planning Authority indicating how and when the 'Secured by Design' standards will be incorporated into that phase of the development. The scheme shall be implemented in accordance with the approved details of that phase 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.

21 Any phase of the development hereby approved shall only proceed in strict accordance with a construction method statement for the relevant phase, which has been submitted to and approved in writing by the

local planning authority. The approved statement shall be adhered to throughout the construction period and shall provide for: 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; and a schedule for the movement of construction plant, associated equipment and deliveries. **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.

Planning Committee: 15 August 2017

Item Number: 10

Application No: [W 17 / 0931](#)

Registration Date: 22/05/17

Town/Parish Council: Rowington

Expiry Date: 17/07/17

Case Officer: Holika Bungre

01926 456541 Holika.Bungre@warwickdc.gov.uk

Ribbons, Rowington Green, Rowington, Warwick, CV35 7DB

Roof alterations to studio/garage building to replace two flying dormers with single gable dormer FOR Mr Taylor

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The application seeks permission to replace two flying dormers within the roof of the garage with a single gable fronted dormer to optimise the use of the already habitable space at first floor. As the first floor of the garage concerned already houses habitable space, as granted by a previous approval, the floor space increase of this floor has already been calculated and considered proportionate within the Green Belt.

THE SITE AND ITS LOCATION

The application site relates to a detached dwelling to the South side of Rowington Green, located within the Green Belt. This is a large feature arts and craft styled house within the ribbon of development that is Rowington Green. It is of brick construction with a plain tile roof with low overhanging eaves with soffit details. The house itself sits within a very large plot that extends to some distance at the rear. There are properties either side but nothing located directly on the common boundaries. The property is set back from the road behind a hedge and traditional field gate so is not overtly visible in the street scene.

PLANNING HISTORY

W/15/1628 - Granted - Erection of two storey side extension (resubmission of application ref: W/15/0135 to allow for retention of single storey link to outbuilding)

W/15/1520 - Lawful Use - Application for Lawful Development Certificate for proposed erection of a single storey rear extension (2.2m x 4.9m and 2.3m to eaves (overall height of 3.5m)

W/15/0135 - Granted - Erection of two storey side extension

W/07/1970 - Granted - Erection of extension to side to provide replacement garage and stores together with new studio above garage and new garden room

W/89/1073 - Granted - Erection of a detached double garage

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)
- DP13 - Renewable Energy Developments (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)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Sustainable Buildings (Supplementary Planning Document - December 2008)

SUMMARY OF REPRESENTATIONS

Rowington Parish Council: Objection. Stated that the proposal is over a 30% increase in size. This position was retained when reconsidered due to the previous extensions undertaken, the proposed alteration represents a volumetric overdevelopment of the site.

WCC Ecology: Recommend supervised hand strip condition and nesting bird note.

ASSESSMENT

Impact on the Green Belt

The NPPF lists exceptions to inappropriate development in the Green Belt which includes the limited extension of buildings which are not disproportionate. Warwick District Local Plan Policy RAP2 indicates that an extension of more than

30% of the gross floor space of the original dwelling is likely to be considered disproportionate in the Green Belt.

The proposed replacement of the two existing dormers with the one gable fronted dormer will not create any further floor space as the room at first floor there is already in habitable use. The increase in floor space by way of the creation of this upstairs room in the garage was already once taken into account as part of a previous application, and the current garage and its floor space has already been accepted as proportionate to the original dwelling and not harmful to the openness of the Green Belt.

The Rowington Parish Council have objected to the application believing that the dormer is over the 30% increase allowed, however as detailed above, there is no increase in floor space of this proposal, and therefore no reflective percentage value to be considered here.

The Rowington Parish Council also objected as they believe the proposed alteration represents a volumetric overdevelopment of the site due to previous extensions undertaken at the property. Whilst there is a slight element of increased bulk and massing, this is not significant, and it is considered to be quite similar to that of the two existing dormers collectively. Therefore the bulk and mass of the new dormer is not considered to be harmful to the existing building.

The proposed replacement dormer is therefore considered to be proportionate in accordance with Policy RAP2. The proposal is therefore appropriate development in the Green Belt.

Design and Impact on the Street Scene

The proposed dormer will be in keeping with a number of other gable dormers and gables which can be found to the front of the property also and will complement the main property. Due to boundary screening, it will have limited views from the street.

Impact on Neighbour Amenity

The proposed dormer is of such a small scale and the property is at a significant distance from other neighbouring properties, that no loss of outlook, privacy or light will occur to other neighbours.

Ecology

County Ecology have recommended a supervised hand strip condition and a nesting bird note which should be applied.

Renewables

Given the limited scale of the proposed development it is considered that a requirement to provide 10% renewables/ fabric first approach in accordance with Policy DP13 and the associated SPD would not be appropriate.

Summary/Conclusion

The proposals will not increase the floor space upon that existing and the bulk and mass of the proposed dormer will be similar to that of the two existing dormers collectively. It is considered proportionate and therefore appropriate development within the Green Belt, it is suitable in design and will have no adverse impact upon neighbours and therefore the application is recommended for approval.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 122MT 02 and 122MT 03, and specification contained therein, submitted on 19th May 2017. **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 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.
- 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 to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.

Planning Committee: 15 August 2017

Item Number: 11

Application No: [W 17 / 0953](#)

Town/Parish Council: Cubbington
Case Officer: Lucy Hammond

Registration Date: 19/05/17

Expiry Date: 14/07/17

01926 456534 lucy.hammond@warwickdc.gov.uk

52 Queen Street, Cubbington, Leamington Spa, CV32 7NA

Proposed change of use from shop to single 2-bed dwelling FOR Mr Graham Soden

This application is being presented to Committee as the Parish Council supports the application and it is recommended for refusal.

RECOMMENDATION

Planning Committee are recommended to refuse planning permission.

DETAILS OF THE DEVELOPMENT

The proposal seeks change of use of the existing ground floor A1 retail unit to a two bedroom dwelling. The proposal also includes some fenestration alterations and insertion of new windows and doors to facilitate the change of use.

THE SITE AND ITS LOCATION

The application relates to a two and single storey property, positioned to the south of Queen Street. The property is adjoined to an existing residential dwelling and brewery to the rear of the site and forms part of the Cubbington Local Shopping Centre and Conservation Area.

PLANNING HISTORY

Relevant planning history

W/16/1547 - Proposed change of use from shop to two bedroom dwelling - Refused 09.11.2016

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)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- UAP4 - Protecting Local Shopping Centres (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)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (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)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TC17 - Local Shopping Facilities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Open Space (Supplementary Planning Document - June 2009)

SUMMARY OF REPRESENTATIONS

Cubbington Parish Council: Support for the following reasons:-

- would prefer to see the property occupied as opposed to standing empty
- occupying the property as a dwelling would improve the street scene
- there would be less opportunity for vandalism or anti-social behaviour

WCC Highways: No objection and no conditions recommended

WCC Ecology: No objection; advisory notes are recommended

Open Space team: Should a contribution be justified (if the Parish Council are able to identify any development shortfalls) then no objection is raised and an appropriate financial contribution is recommended.

Public Response: One letter received raising an objection on the following grounds:-

- there is already insufficient parking provided for residents of Queen Street and customers of the local shops
 - this leads to frequent parking on double yellow lines which then causes an obstruction to access drives to other residential properties
- use of the premises as a dwelling would further exacerbate the problem

ASSESSMENT

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

- Principle of the change of use
- The impact on the character and appearance of the area
- The impact on landscape and heritage assets
- The impact on living conditions of nearby dwellings
- Car parking and highway safety
- Sustainability
- Waste storage
- Ecological impact
- Open space
- Health and Wellbeing

Principle of the change of use

The application site falls within a local shopping centre. Saved Local Plan policy UAP4 seeks to protect local shopping centres, stating that changes of use from general shops to other A-class uses will not be permitted in such an area unless:

- a) The unit has been vacant for a period of at least 1 year or evidence can be provided that the unit has been actively marketed for an A1 use for a period of at least 9 months; or
- b) The proposed use can demonstrate that it will significantly increase pedestrian footfall in the centre and will introduce a new use into the centre which meets a local need; and
- c) Allowing the proposed change of use will maintain the predominance of A1 uses in the centre.

Changes of use from A-class uses to all other uses will not be permitted unless the proposal is for a community service or facility which can be demonstrated to meet a particular local need and which can be satisfactorily controlled by planning condition.

Emerging Local Plan policy TC17 carries forward all of the same principles as set out in the saved Local Plan and therefore does not alter the way in which the principle of development should be considered.

Following the earlier refusal of a similar application (November 2016) EHB has marketed the property between the period of November 2016 and April 2017, stating that in that time very little interest was expressed in the premises and any interest which was shown by prospective callers was subsequently withdrawn when they realised the site was in Cubbington and not the main town of Leamington Spa. EHB therefore conclude that in their opinion, the site is no longer viable for commercial occupation. The applicant has produced additional supporting information since EHB's letter of April 2017 advising that with the recent improvements to Compton's Garage and the impending opening of the new mini supermarket near the Rugby Tavern, another retail unit in Cubbington's local shopping centre has also closed which they feel further supports their case.

Arguably, it could be said that following the previous refusal of permission the applicant has demonstrated there is no viable market for a retail unit in this location any longer. However, this does not justify the premises changing its use

to a dwelling which is not considered to represent a community service or facility and therefore fails to accord with the necessary provisions of the relevant policies of the Development Plan.

Accordingly, and despite the attempt to market the premises since November 2016, the proposed development, in particular the change of use to a dwelling, is not considered to be acceptable in principle.

The Parish Council has supported the proposal as they wish to see the building brought back into use and feel that a dwelling here would improve the street scene and general quality/amenity of the area. However, there is nothing to prevent the building being proposed for an alternative community service or facility that can be demonstrated to meet a particular local need, as per the requirements of the relevant policies. No evidence has been submitted to demonstrate that such alternative uses have been considered or explored and therefore no justification as to why a dwelling is the only viable and realistic option for this building.

For these reasons, the development would be contrary to adopted Local Plan policy UAP4 and emerging Local Plan policy TC17 and therefore not acceptable in principle.

The impact on the character and appearance of the area

Saved Local Plan policy DP1 encourages the importance of good design, requiring all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using the appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area. This is carried forward in the emerging Local Plan policy which, at BE1, requires new development to positively contribute to the character and quality of the environment through good layout and design.

The change of use of the existing retail unit to a dwelling would require some fenestration alterations, principally, the installation of additional doors and windows to the current configuration. Providing these were constructed from matching materials to those of the existing dwelling which can be secured by condition, it is not considered that this would have a harmful impact on the street scene.

The development is therefore considered to be in accordance with saved Local Plan policy DP1 and emerging policy BE1.

The impact on landscape and heritage assets

Considerable importance and weight should be given to the duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, when making decisions that affect listed buildings and conservation areas respectively. These duties affect the weight to be given to the factors involved.

Conservation Areas

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, "In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

Furthermore, saved Local Plan policy DAP8 requires development to preserve or enhance the special architectural and historic interest and appearance of Conservation Areas while emerging Local Plan policy HE2 requires that new development within the Conservation Area should make a positive contribution to the local character and distinctiveness of the Conservation Area. The NPPF generally requires development proposals to have regard to the significance of a designated heritage asset and its conservation.

The proposed change of use would not significantly impact on the Conservation Area. The proposed windows and doors can be conditioned to be constructed from matching materials to those of the existing dwelling which would ensure that the most appropriate materials are used and similarly all external joinery should be in painted timber. Overall, the proposal is not considered to cause harm to the Conservation Area.

The proposal is therefore considered to comply with saved Local Plan policies DAP8, DAP9 and emerging Local Plan policy HE2, as well as the NPPF.

The impact on living conditions of nearby dwellings

Saved Local Plan policy DP2 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. This is carried forward in emerging Local Plan policy BE3. There is a responsibility for development not to cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion.

The proposed change of use would not have a detrimental impact on the living conditions of the occupiers of neighbouring properties as there will be no extensions to the existing property or overlooking caused.

The proposal is therefore considered to comply with saved Local Plan policy DP2 and emerging policy BE3.

Car parking and highway safety

WCC Highways previously commented on the application and have stated this time that their original comments still apply. They raised no objection to the proposed change of use, stating that although it appears no parking is provided for the proposed dwelling, no parking was provided for the retail unit either. As a result, vehicles will have to park on the public highway and there are several existing properties in close proximity to the site which do not have off street parking. WCC Highways conclude that as there have been no accidents reported within the last 5 years, there would be no highway safety concerns.

It is noted that with this application the applicant's agent has advised that two parking spaces would be provided with the dwelling and these are shown on the submitted location plan of the site. However, since the Highways Authority raised

no objection to the proposal when no parking was proposed it is not considered there would be any detriment to highway safety now that two spaces are proposed with the dwelling.

It is therefore considered that the development remains acceptable in this regard and therefore accords with saved Local Plan policies DP6 and DP8 and emerging policies TR1 and TR4.

Sustainability

As the proposed change of use would not significantly increase the energy demands of the unit, it is not considered appropriate to require sustainable energy provision.

Waste storage

Contract Services have advised there would be a requirement for storage space for 2 x wheelie bins and recycling bags and boxes for the proposed residential dwelling. There is ample space to the rear of the property to accommodate this requirement.

Ecological impact

WCC Ecology have assessed the application and recommend that bat and nesting bird notes are attached to any approval granted.

Open space

The Open Space team have suggested that a contribution of £1,684 would be an appropriate contribution to request from the applicant in line with the Open Space SPD. However, they recommend that the Parish Council should identify and justify any development shortfalls and therefore, what open space improvements can be made. Cubbington Parish Council previously stated that improvements to Austen Court are still required and requested that the contribution be put towards this project.

Paragraph 31 of the NPPF provides that contributions should not be sought from developments of 10-units or less which is a material consideration and carries significant weight. As there has been no *detailed* information given by the Open Space team or Parish Council as to what scheme the contribution could be put towards, it is not considered reasonable to request this sum from the application. Departure from the NPPF should only be considered if exceptional circumstances are present and it is considered that the current circumstances would not represent justification to depart from policy contained within the NPPF. It would therefore not be reasonable to impose a condition for the requirement of open space contributions in accordance with the NPPF.

Health and Wellbeing

There are no health and wellbeing issues raised.

CONCLUSION

In conclusion, the proposed change of use would not adversely affect the character and appearance of the area, the special qualities, character and appearance of the conservation area and would not have a detrimental impact on local residents. However, the principle of development is contrary to the relevant provisions of the Development Plan and emerging Local Plan and notwithstanding the information that has been submitted regarding the loss of the shop, the proposed change of use to a dwelling does not represent a community facility or service nor is there any justification as to what local need this proposal would satisfy. For these reasons the development would therefore be contrary to saved Local Plan policy UAP4 and emerging Local Plan policy TC17 as it would not replace the loss of the shop with an alternative community service or facility.

- 1 Saved policy UAP4 of the Warwick District Local Plan 1996-2011 and emerging policy TC17 of the New Warwick District Local Plan 2011-2029 both seek to protect local shopping centres, stating that changes of use from A-class uses to all other uses will not be permitted unless the proposal is for a community service or facility which can be demonstrated to meet a particular local need and which can be satisfactorily controlled by a planning condition.

The proposal seeks to change the existing retail unit (use class A1) to a residential dwelling (use class C3). Notwithstanding the information that has been submitted regarding the loss of the shop, the proposed change of use to a dwelling does not represent a community facility or service nor is there any justification as to what local need this proposal would satisfy. The loss of the shop and its change of use to a dwelling is therefore not considered to be acceptable in principle.

For these reasons the Local Planning Authority considers the development is contrary to saved policy UAP4 of the Warwick District Local Plan 1996-2011 and emerging policy TC17 of the New Warwick District Local Plan 2011-2029.

Application No: [W 17 / 0969](#)

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

Registration Date: 26/06/17
Expiry Date: 21/08/17

116 Brunswick Street, Leamington Spa, CV31 2EN

Proposed boundary wall with railings and gate to northern side, proposed new driveway and access with dropped kerb to eastern side. FOR Warwick District Council

This application is being presented to committee as the property is Council owned.

RECOMMENDATION

Planning Committee is recommended to grant planning permission, subject to the conditions listed at the end of the report.

DETAILS OF THE DEVELOPMENT

The application is for a proposed boundary wall with railings to northern side, proposed new driveway and access with dropped kerb to eastern side. The application property and parking is currently accessed via one of the two access roads used for the cemetery. The aim of the proposal is to create a separate access on the eastern side for the dwelling with a new driveway and parking. The boundary to the northern side will have a new low wall with railings to create a distinction between the boundary of the property and the cemetery grounds.

THE SITE AND ITS LOCATION

The application property is a two-storey brick built detached dwelling located within the grounds of Royal Leamington Spa Cemetery on Brunswick Street.

PLANNING HISTORY

No relevant planning history.

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)
- DP8 - Parking (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)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

- Vehicle Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: No objection.

WCC Highways: No objection.

RELEVANT PLANNING HISTORY

No relevant planning history.

KEY ISSUES

The Site and its Location

The application property is a two-storey, brick built detached property which is a separate dwelling located within the grounds of Royal Leamington Spa Cemetery on Brunswick Street.

Assessment

The impact on highway safety and parking

Local Plan Policy DP6 only permits development that provides safe and convenient accesses that are not detrimental to highway safety of other road users and pedestrians.

The property and parking is currently accessed via one of the two access roads that serve the cemetery, located behind the application property. The proposal is to create a separate access for the property and retain the two existing access roads for the cemetery. The proposed dropped kerb will be situated a reasonable distance from the existing two access roads and highway trees. It is therefore considered that there is adequate visibility on this section of road for vehicles to safely enter and exit the site.

The proposal will allow enough space for two off street parking spaces as the two existing spaces will be lost. In addition the proposed driveway is large enough for

cars to turn around and not to reverse out onto the public highway. The proposed parking is considered to be in accordance with the Vehicle Parking Standards SPD.

WCC Highways have recommended that visibility splays are provided to the vehicular access to the site, which can be secured via condition.

Design of new boundary treatment

The new boundary treatment to the northern side is to be black painted iron railings with a low wall constructed of brick to match the host dwelling and a small timber gate. There is an existing black iron gate to the current access for the property on the northern side, therefore the proposed railings and wall will be in keeping with the area in accordance with Local Plan Policy DP1. The use of railings will allow for some distinctiveness between the boundary of the property and the cemetery grounds whilst retaining an open feel.

The wall on the eastern side will be built up with matching brick once the new access has been created.

Impact on neighbouring properties

It is considered that there is no detrimental on the neighbours. Many other properties in the road have dropped kerbs and the proposal is therefore, not out of character with the area and accords with Local Plan Policy DP2.

Summary/Conclusion

It is considered that the proposed new access will not create a detrimental effect on the highway and the proposed new wall and railings are of an acceptable design for the area and therefore the application complies with Adopted Local Plan Policies DP1, DP2 and DP6.

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 HPS 01, HPS 02, HPS 03, and specification contained therein, submitted on 23/05/2017. **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 commence until visibility splays have been provided to the vehicular access to the site passing through the limits of the site fronting the public highway with an 'x' distance of 2.4 meters and 'y' distance of 43 meters to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or

retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 meters above the level of the public highway carriageway. **REASON:** In the interests of highway safety in accordance with Policy DP6 of 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 to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.
-

Application No: [W 17 / 1000](#)

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

Registration Date: 14/06/17
Expiry Date: 09/08/17

01926 456531 Helena.Obremski@warwickdc.gov.uk

23 St Marys Road, Leamington Spa, CV31 1JW

Proposed internal reconfiguration of existing property (containing 6no. 1 bed flats) to provide an additional 3no. 2 bed flats, and an additional 1 bed flat, with a two storey rear extension, front and rear facing dormer windows, and front light-wells. FOR Mr K Sahota

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The application seeks planning permission for the proposed internal reconfiguration of existing property (which currently contains 6no. 1 bed flats) to provide an additional 3no. 2 bed flats, and an additional 1 bed flat. The development includes the erection of a two storey rear extension (which would be viewed as a single storey rear extension), the installation of 2no. front and 3no. rear facing dormer windows to the roof-slopes, and the insertion of front and side facing light-wells. The development will be constructed from matching materials to those of the existing dwelling and parking for the additional residential units would be accommodated within nearby unrestricted on-street parking.

The proposal has been amended to remove the new access and parking to the rear of the application site. There are two large trees and a lamp post on the public footpath at the rear of the site, which means that the proposed access could not have achieved the required visibility splays and could have been harmful to these protected trees. Furthermore, the light-wells have been made larger to ensure that adequate light and outlook are provided for the future occupiers of the units. The internal layout has also been rearranged to provide adequate living conditions for the future occupiers. This application seeks to overcome concerns raised under the previous two applications.

THE SITE AND ITS LOCATION

The application relates to an existing two storey villa (with basement and attic) which is currently occupied as 6no. one bed roomed flats. The application site is positioned to the east of St Marys Road and benefits from a private road directly in front of the application site. Furthermore, Chesham Street is located directly behind the application site. The site is located within the Conservation Area and

there are a number of similarly designed villas within close proximity of the application property.

PLANNING HISTORY

W/15/1712 - application withdrawn for internal reconfiguration of existing 6 no 1 bed flats and introduction of 4 no 2 bed flats, three storey rear extension, front and rear facing dormer windows and front light-wells and parking at rear.

W/17/0161 - application withdrawn for internal reconfiguration of existing 6 no 1 bed flats and introduction of 2 no 2 bed flats, and additional 2 No 1 bed flats and three storey rear extension, front and rear facing dormer windows and front light-wells and parking at rear.

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)
- DP8 - Parking (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)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- UAP1 - Directing New Housing (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)
- CC1 - Planning for Climate Change Adaptation (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)
- TR4 - Parking (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)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

- The 45 Degree Guideline (Supplementary Planning Guidance)

- Distance Separation (Supplementary Planning Guidance)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Vehicle Parking Standards (Supplementary Planning Document)
- Open Space (Supplementary Planning Document - June 2009)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Design Advice on Shopfronts & Advertisements in Royal Leamington Spa (Supplementary Planning Guidance).

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: Objection, due to lack of adequate parking.

Open Space: No objection subject to a contribution of £5,824 towards the improvement of local open spaces.

Waste Management: No objection.

Inland Waterways: No objection.

Canal and River Trust: No objection.

WCC Ecology: Comments remain the same as for W/15/1712 and W/17/0161 - no objection subject to the inclusion of a bat note.

WCC Highways: Objection withdrawn following submission of amended scheme.

3 Public Responses: Objections on the following grounds: the development is harmful to the Conservation area by virtue that the symmetry of the properties at the rear should be maintained and the flat roof rear extensions: the proposal represents overdevelopment of the site; inadequate parking provision which would put pressure on existing congested parking areas..

ASSESSMENT

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

- Principle of the Development
- Impact on the Character and Appearance of the Area
- Impact on Heritage Assets
- Impact on Nearby Uses and Living Conditions of Future Occupants
- Highway Safety and Parking
- Waste
- Sustainability
- Open Space
- Ecological Impact
- Health and Wellbeing
- Other Matters

Principle of the Development

The proposed development would accord with Policy UAP1, which seeks to direct residential development to previously developed land and buildings within the confines of urban areas. Furthermore, the application site is located within a primarily residential area.

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 Local Plan calls for development to be constructed using the appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area. Finally, the Residential Design Guide 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.

There are a number of similarly designed villas to either side of the application property which have already been altered and extended. The proposal seeks permission for two flat roof dormer windows to the front roof-slope which would usually be contrary to the Residential Design Guide. However, they are modest additions on a high level roof which would not appear incongruous within the street scene because there are already similar dormers to nearby roof-slopes which were recently approved by the Local Authority. Furthermore, the proposed railings and canopy to the front elevation have been designed to reflect those of the neighbouring property. The proposed light-wells to the front elevation would not be harmful to the street scene as the property is set back well from the main highway and there are similar examples to properties within the wider area.

To the rear of the property, the proposal includes a flat roof two storey extension which would actually be viewed as a single storey extension as part of it forms the basement. This rear extension provides a modest and simple addition to the rear elevation and represent a subordinate form of development. Furthermore, the three flat roof dormers to the rear roof-slope are considered to be acceptable owing to similar forms of development on neighbouring properties recently approved.

There have been public objections to the proposed development which state that the proposal represents overdevelopment of the site. However, this site benefits from a large plot and there would still be a large amenity area for the occupants to enjoy. Officers view is that it does not result in overdevelopment

The development is to be constructed from appropriate matching materials and will benefit from timber sash windows which are improve the existing rear

elevation. The development is therefore considered to comply with the NPPF, adopted Local Plan policy DP1 and the Residential Design Guide.

Impact on Heritage Assets

Warwick District Local Plan Policy DAP8 requires development to preserve or enhance the special architectural and historic interest and appearance of Conservation Areas. It goes on to state 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.

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

Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

There have been objections from members of the public that the development is harmful to the Conservation area by virtue that the symmetry of the properties at the rear should be maintained and the flat roof rear extension is detrimental.

However, the design of the proposed development has been carefully negotiated between the agent and officers following on from the withdrawal of the previous schemes. The box dormers are modest in nature, do not significantly interfere with the roof slopes, and there are other similar examples within the Conservation Area. Therefore, they are considered to be acceptable. The rear extension does have a flat roof, but benefits from a parapet wall, which is commonly found in this part of the Conservation Area.

At the rear of the application property and neighbouring dwellings, they do generally benefit from a two storey wing which can be viewed within the street scene from Chesham Street. However, they are not all identical. The addition of what effectively will be read as a single storey rear extension is not considered to significantly unbalance the rear elevations of these properties.

The scheme has been amended to reflect the officer's requests for matching materials, black cast iron rainwater goods and consistent approach towards the size of the windows. All of the proposed windows will be vertical sliding painted timber sash windows.

The development is not considered to cause harm to the Conservation Area and is considered to comply with the NPPF and adopted Local Plan policy DAP8.

Impact on Nearby Uses and Living Conditions of Future Occupants

Warwick District Local Plan Policy DP2 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a responsibility for development not to cause undue

disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion. The Residential Design Guide SPG provides a framework for Policy DP2, which stipulates the minimum requirements for distance separation between properties and that extensions should not breach a 45 degree line taken from a window of nearest front or rear facing habitable room of a neighbouring property.

There is a high level boundary wall which separates the application property from 25 St Marys Road. As the proposed rear extension will only extend at the basement and ground floor, there will be a very limited impact on this neighbouring property as the boundary wall already obscures the views towards the application property from ground floor windows.

There is a 2 metre high brick boundary wall which separates the application property from 21 St Marys Road. However, the proposed rear extension will not extend the entire width of the rear elevation and is positioned on the opposite side of the application property to this neighbour. Therefore, there will be no breach of the Council's adopted 45 degree guidance from any rear facing windows serving this neighbour's property. There is a ground floor side facing window which could be impacted as a result of the proposed development serving a habitable room. However, this already faces onto a blank wall and as the extension is set in from the side of the application property, it is unlikely that the proposed development would have a significant impact in terms of loss of light or outlook.

Some of the windows serving the proposed flats will not meet modern window-to-window separation standards set in SPD. However, many of the existing flats which form part of the application property already have these existing relationships and the gaps between buildings will remain commensurate to those within the existing locality. It is important to note that the SPG does specify that within Conservation Areas where the overriding need is to preserve or enhance the character of the area the provisions of SPG guidance will not directly apply. Therefore, it is considered that the proposal accords with the SPG and this would not warrant a reason for refusal of the application. Furthermore, the light-wells have been increased in size to maximise the light and outlook for the future occupants of the site.

The development is therefore considered to comply with the NPPF, adopted Local Plan policy DP2 and the Residential Design Guide.

Highway Safety and Parking

Initially, the applicant proposed a new access to the rear of the site to allow car parking to the rear.. However, concern was raised by WCC Highways regarding the impact this would have on two highway trees.. Furthermore, WCC Highways considered that the required visibility splays for the site could not be achieved owing to a telegraph pole which was positioned close to the proposed access raising an objection to the proposal. The access was therefore removed from the scheme by the applicant and the rear boundary wall is to be retained as existing, with pedestrian access.

The applicant also provided a car parking survey as part of the submission shows that there are 11 available spaces within nearby unrestricted parking at all times when the survey was carried out (Tuesday 16th May and Wednesday 17th

May at three time intervals for both days: 10:00 - 11:00, 14:00 - 15:00 and 00:30 - 05:30 - this was during university term time). The proposed development creates a requirement for an additional 6 car parking spaces. Therefore, it is considered that the unrestricted car parking within a 250 metre radius of the site can accommodate this increase. Based on this information, WCC Highways have subsequently withdrawn their objection.

Leamington Spa Town Council and members of the public have objected to the proposed development on the basis that the development provides inadequate parking. However, as demonstrated above, the car parking demand for the proposed development can be accommodated on-street within walking distance of the site without harm being caused to public safety. It is noted that there is a nursery and church which may create additional demands to on street parking. However, this would only be a temporary demand which is unlikely to significantly affect parking for future occupants of the site. A cycle store has been provided in the rear of the site which can be accessed from Chesham Street or St Marys Road. The development is therefore considered to comply with adopted Local Plan policy DP8.

Waste

Waste Management have been consulted and have no objection to the proposed development. A bin store has been provided to the rear of the site so the applicants can present their waste either to Chesham Street or St Marys Road. There would be space within the site boundaries to accommodate additional recycling storage also.

Sustainability

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 or a 10% reduction in CO² production through a fabric first approach would be appropriate. No details have been provided in reference to this matter, however, this information can be secured by condition.

The proposed development is therefore considered to comply with adopted Local Plan Policies DP12 and DP13 and the associated SPD.

Open Space

The Open Space team have commented on the application and have no objection to the proposed development, subject to a contribution of £5,824 towards the improvement of local open spaces. They have confirmed that the contribution would be put towards the development objectives of Rushmore Street, relating specifically to the provision of play equipment. They note that Rushmore Street scored only "average" in the latest Parks Audit (2016) and the Green Space Strategy sets out the objective of having public open space rated as "good" or better by 2026. At the time of responding, Open Space note that there are no Section 106 agreements assigned to this project. No contribution has been provided by the applicant, however, this can be secured by condition.

The proposed development is therefore considered to comply with the NPPF, adopted Local Plan policy SC13 and the Open Space SPD.

Ecological Impact

WCC Ecology have commented on the application and recommend that a bat note is attached to any approval granted, which will be added.

Health and Wellbeing

The proposed development would provide an additional four residential units which is a wellbeing benefit.

CONCLUSION

The proposal would provide a sensitively designed reconfiguration and extension of an existing property in need of redevelopment to deliver an additional 4no. residential units. The development will enhance the Conservation Area by rationalising the rear elevation of the villa and using more appropriate and sensitive materials. The proposed development provides adequate waste and cycle storage, and parking can be accommodated within walking distance of the site in on-street unrestricted parking areas. The proposed development should therefore be approved.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved amended drawings 3047-01F, 3047-02E, 3047-03D and 3047-04E, and specification contained therein, submitted on 2nd August 2017. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 Unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy SC13 of the Warwick District Local Plan 1996-2011:
 - (i) no development shall commence unless or until a scheme for such provision or improvement (identifying the size/extent, location and specification of the space and works) has been submitted to and approved in writing by the Local Planning Authority; and
 - (ii) the dwellings hereby permitted shall not be occupied until the scheme so approved has been implemented.

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

- 4 No development shall be carried out on the site which is the subject of this permission, until large scale details of the balcony metal work and windows (including a section showing the window reveal, heads and cill details) 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.
- 5 The development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO² emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.
- 6 If an air source heat pump is chosen as the method to comply with the requirement for renewable energy, noise arising from the air source heat pump(s) permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **REASON:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.
- 7 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.
- 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.

Planning Committee: 15 August 2017

Item Number: 14

Application No: W 17 / 1009

Town/Parish Council: Rowington
Case Officer: Helena Obremski

Registration Date: 07/06/17
Expiry Date: 02/08/17

01926 456531 Helena.Obremski@warwickdc.gov.uk

Durham Ox, 111 Shrewley Common, Shrewley, Warwick, CV35 7AY
Erection of single storey rear extension and relocation of front porch FOR Mr
Harvey

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

The application was previously presented to Planning Committee at your meeting of 18 July 2017 when the application was deferred to allow the applicants further time to provide additional information in support of the application in particular clearly identifying and justifying a very special circumstances case.

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

This is a resubmission of planning application ref: W/17/0481 for the erection of a single storey rear extension to provide space for additional restaurant covers (the exact number has not been provided). The previous application was withdrawn because the proposed development was considered to constitute inappropriate development in the Green Belt and result in harm to openness. No very special circumstances were considered to exist to outweigh the harm.

A Planning Statement has been submitted as part of this application in an attempt to provide a case for very special circumstances. In the Statement, it is argued that the extension is required to ensure the viability of the Public House, and that the size of the extension is the minimum needed for the owner to work towards ensuring commercial viability. The Planning Statement claims that the Public House is failing financially and that within its recent history, led to the bankruptcy of one of the tenants. The Statement goes on to state that the extension is not required solely to make more profit but to avoid failure of the Public House.

The proposed extension would be constructed from matching materials to those of the existing building and would be positioned in an existing seating area to the rear of the property. The application also includes the re-siting of an existing porch currently positioned to the side of the property, to the front of the property, which the agent claims is its original position.

Since the last Planning Committee meeting, following the submission of further information by the applicant, Officers have advised that this is not sufficient to

demonstrate very special circumstances and are awaiting further detailed information. The further information that has been provided is considered within the report.

THE SITE AND ITS LOCATION

The application property is a two storey detached Public House that lies on the edge of Shrewley Village and is washed over by Green Belt. To the south of the site lies the M40 and to the north is a mainline railway line. On the north side of the Public House is the customer car park with a footpath leading from the car park in front of the building to the entrance. To the south and part front is the decking with the pergola on the side. The remainder of the front is laid to lawn.

PLANNING HISTORY

W/96/0089 - erection of a single storey side extension, indoor play area and conservatory - Granted

W/01/1275 - erection of single storey side and rear extensions - Granted

W/02/1552 - erection of an additional store - Granted

W/03/0366 - change of use of vacant land to an overflow car park - Granted

W/07/1811 - relocation of the porch, with installation of new window, decking and landscaping alterations - Granted

W/12/0957 - erection of a patio and three giant umbrellas - Granted

W/17/0481 - erection of a single storey rear extension and relocation of front porch - withdrawn

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)
- DP8 - Parking (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)
- H14 - Extensions to Dwellings in the Open Countryside (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)
- Vehicle Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)

SUMMARY OF REPRESENTATIONS

Shrewley Parish Council: Supports this application to revitalize the Durham Ox.

WCC Ecology: No objection, subject to bat, nesting bird, amphibian and reptile notes.

WCC Highways: No objection.

ASSESSMENT

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

- Design
- Impact on nearby uses
- Whether the proposal constitutes appropriate development in the Green Belt and, if not, whether there are any very special circumstances which outweigh the harm by reason of inappropriateness and any other harm identified
- Highway safety and parking
- Sustainability
- Ecological impact
- Health and wellbeing

Design

The National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions. Furthermore, Warwick District Council's Local Plan 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 Local Plan calls for development to be

constructed using the appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area.

The majority of the proposed development would be positioned to the rear of the application property and therefore would have little impact on the street scene. The proposed extension would be constructed from appropriate matching materials which respect the character of the original property. Whilst the proposed rear extension would be a large addition to the application property, as the development would be single storey, the extension is clearly read as an addition to the main property and would not be harmful to its character. The proposed relocation of the porch is not considered to have a harmful impact on the application property or street scene owing to its modest and discrete nature.

The proposed development is therefore considered to comply with adopted Local Plan Policy DP1 and the NPPF.

Impact on nearby uses

Warwick District Local Plan Policy DP2 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a responsibility for development not to cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion. The Residential Design Guide SPG provides a framework for Policy DP2, which stipulates the minimum requirements for distance separation between properties and that extensions should not breach a 45 degree line taken from a window of nearest front or rear facing habitable room of a neighbouring property.

113 Station Lane is a residential property which is positioned to the north west of the application site. There is a conflict with the Council's adopted 45 degree guidance as a result of the proposed development. However, as the proposed extension would be 26 metres away from the neighbouring property at its closest points, it is not considered that there would be a material loss of outlook or light which would warrant reason for refusal of the application. Furthermore, as the proposed development would only be single storey, it is not considered that there would be a loss of privacy as a result of the proposed development.

There are no other neighbouring uses which would be impacted as a result of the proposed extension. Therefore, it is considered that the proposed development would comply with the Council's adopted Residential Design Guide, adopted Local Plan Policy DP2 and the NPPF.

Whether the proposal constitutes appropriate development in the Green Belt and, if not, whether there are any very special circumstances which outweigh the harm by reason of inappropriateness and any other harm identified

The NPPF states that extensions within the Green Belt should not result in disproportionate additions over and above the size of the original building. Whilst it is recognised that the application property is not a residential dwelling, the provisions of adopted Local Plan Policy RAP2 are considered to be appropriate in the context of assessing what the Council considers to represent a

"*disproportionate addition*". Adopted Local Plan Policy RAP2 stipulates that extensions which represent an increase of over 30% excluding any outbuildings would be considered disproportionate in the Green Belt. Furthermore, the policy requires that proposals should retain the visual dominance of the original building, retain the openness of the rural area and not alter the scale, design or character of the original building.

The existing Public House has been significantly extended, and already benefits from 161.2% of extensions over and above the original building. The proposed development would represent an increase in gross floor space of an additional 121.9sqm, which when taking the existing extensions into consideration, would represent a total increase above the original floor space of 221.6%. This is significantly more than the Council's adopted guidance of 30%. Furthermore, the proposed extension would substantially increase the visual impression of the application property by considerably increasing the depth and bulk of the Public House. Therefore, the proposed development is considered to represent a disproportionate addition to the property which would be harmful by definition and by reason of harm to openness.

The NPPF states that disproportionate additions within the Green Belt should not be approved except in very special circumstances. Therefore, it is necessary to assess whether any very special circumstances exist which would outweigh the harm to the Green Belt. The agent has provided a Planning Statement which states that the extension is required ensure the viability of the Public House, and that the size of the extension is the minimum needed for the owner to work towards ensuring commercial viability. The Planning Statement claims that the Public House is failing financially and that within its recent history, led to the bankruptcy of one of the tenants. The Statement goes on to state that the extension is not required solely to make more profit, but to avoid failure of the Public House.

However, in assessing the submission, there is a notable absence of any financial records to support any of the above claims. Importantly, there has been no evidence provided that shows that the existing financial position of the Public House is not viable. The Planning Statement provides no evidence to explain how constructing the extension would increase the profits sufficiently to save the Public House from closure. The Statement also claims that one of the previous tenants suffered bankruptcy, but there is no evidence to substantiate these claims, or indeed demonstrate that this was as a direct result of the size of the Public House or the way in which it was operated during this time, or when this was. Furthermore, there has been no evidence submitted to clarify whether any alternative methods to increase profits have been explored, such as rearranging the internal layout to provide more restaurant covers, an alternative marketing strategy, offers on drinks / food which might have increased customer numbers, or indeed a difference food offer. It is considered that it has not been adequately demonstrated that the Public House is a failing business, or that the size of the proposed extension would be required in order to sufficiently increase profits to save the Public House from closure if this was the case. It is notable that the applicant has recently taken over the business.

The agent has been contacted and the above information has been requested, however, no specific details have been forthcoming. An additional letter from a valuer was provided on 4th July. The letter states that the property was sold below what the vendors were hoping to achieve and that the pub required

investment. It eludes to the fact that there have been failures in the past to make the pub successful, the reason being because of its layout, and that it has been "difficult to establish a suitably attractive food and beverage operation." However, it is unclear what this is trying to say and whether it is because of the limited size of the existing property. The letter also makes reference to other competing pubs within the local area and the fact that they have had to make heavy investment to ensure viability. The letter concludes the valuer considers that with the "right retail offer and management in place they will enable the Durham Ox to complete more successfully..." This suggests that the management of the Public House will allow it to become viable, and does not relate to the benefits which the extension might bring financially.

Following your last meeting, the applicant's agent has been made aware of the information which the Council expects to now receive such as financial records and evidence that the extension is necessary to ensure that the public house would become viable.

The Council received an amended Planning Statement, Business Plan and Financial Commentary from the agent. However, this information still fails to clearly demonstrate that the public house is failing and why the extension is the only option available which would remedy this. The Council has again given further detailed feedback to the agent following on from the submission of this information as to what would be required particularly financial information and commentary to demonstrate that the public house has been failing; evidence to demonstrate why the pub is not viable without the extension and why the extension absolutely necessary to ensure the likelihood of success of the public house; the alternatives that have been tried along with other information. To date, no further information has been submitted following on from this correspondence. However members will be advised should that change.

Therefore, it is still considered that no very special circumstances exist which would outweigh the harm caused to the openness of the Green Belt as a result of the proposed development. The proposed development is considered to represent a disproportionate addition to a building within the Green Belt which is harmful by definition and by reason of harm to openness and is contrary to Policy RAP2 and the NPPF.

Highway Safety and Parking

In accordance with the Council's adopted Vehicle Parking Standards SPD, an additional 7 car parking spaces would be required as a result of the proposed development. There is ample off street car parking within the site boundary which could accommodate this increase. Furthermore, the Highways Authority have no objection to the proposed development.

It is considered that the proposed development provides adequate parking provision and would cause no harm to pedestrian or vehicular safety. The development is therefore considered to comply with adopted Local Plan Policy DP8 and the NPPF.

Sustainability

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 or a 10% reduction in CO² production through a fabric first approach would be appropriate. No details have been provided in reference to this matter, however, this information could be secured by condition. The development is therefore considered to comply with adopted Local Plan Policy DP13 and the associated SPD.

Ecological Impact

An initial bat survey was provided as part of the application. This confirms that no evidence of bats were found in the building and that all potential roosting sites were inspected. WCC Ecology agree with the findings of the report, and recommend that notes in relation to bats, nesting birds, amphibians and reptiles are added. These notes are considered to be appropriate. The development is therefore considered to comply with adopted Local Plan Policy DP3 and the NPPF.

Health and Wellbeing

There are no health and wellbeing issues raised.

CONCLUSION

The proposed development, when taking the existing extensions into consideration would represent a total increase in gross floor space above the original building of 221.6% which is considered to represent a disproportionate addition to a building located within the Green Belt. No very special circumstances have been presented which would outweigh the harm caused to the openness of the Green Belt as a result of the proposed development, which is considered to be contrary to paragraph 87 of the NPPF. For this reason the proposal should be refused.

REFUSAL REASONS

- 1 Paragraph 87 of 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 should not be approved except in very special circumstances.

The proposed development, when taking the existing extensions into consideration would represent an increase in gross floor space above the original building of 221.6% which is considered to represent a disproportionate addition to a building located within the Green Belt which would be harmful by definition and by reason of harm to openness.

In the opinion of the Local Planning Authority, no very special circumstances have been presented which would outweigh the harm identified.

The proposed development is therefore considered to be contrary to the NPPF.

Planning Committee: 15 August 2017

Item Number: 15

Application No: [W 17 / 1031](#)

Town/Parish Council: Lapworth
Case Officer: Ed Pigott

01926 456521 ed.pigott@warwickdc.gov.uk

Registration Date: 21/06/17

Expiry Date: 16/08/17

Land north east of, Tapster Lane, Lapworth, Solihull, B94 5PF

Erection of stables, manege and store building with formation of new access road, parking area and associated works FOR Mr & Mrs McMullen

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

RECOMMENDATION

Planning Committee is recommended to grant planning permission for this development, subject to the conditions listed at the end of this report.

DETAILS OF THE DEVELOPMENT

Planning permission is sought for the erection of 60 x 20m sand manege with 1.4m post and rail fencing surrounding; timber clad stable building with six loose boxes, foaling box and tack room, and small timber clad storage barn all of which would be for private enjoyment and not for commercial use. The land surrounding the site would be re-graded to facilitate the works and a new access track (using an existing access) and area adjacent to the stables would be laid down. The access track would be created from recycled road planings.

The stable building would be 3.4m tall (2.4m to the eaves) and would have a footprint of 138sq m.

The Storage barn would be 3.8m tall (2.1m to the eaves) and would have a footprint of 46sq m.

THE SITE AND ITS LOCATION

The application site lies to the south of Lapworth and the M40 in the West Midlands Green Belt. The application site is within an enclosed field which slopes from north to south surrounded by trees and hedges. The wider field, which is also within the applicant's control is 15.9 acres.

To the west of the site is a country lane and the nearest residential property sits approximately 100m to the south.

The application site is within Flood Zone 1 but parts of the wider site sit within Flood Zone 3.

PLANNING HISTORY

No relevant history

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)
- 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)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS19 - Green Belt (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

- Sustainable Buildings (Supplementary Planning Document - December 2008)

SUMMARY OF REPRESENTATIONS

Lapworth Parish Council: Objection – concern about traffic impact

WCC Highways: No Objection

WCC Archaeology: No Objection – would recommend a condition requiring further archaeological work

WCC Landscape: Objection – impact on green belt

WCC Ecology: No Objection – would recommend conditions regarding further ecological work to be undertaken due to potential harm to protected species

WDC Tree Officer: No Objection – would recommend a condition showing that the proposed would not harm any trees

Environment Agency: No response received

One letter of objection has been received on the following grounds:-

- Potential impact of additional traffic

ASSESSMENT

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

- Principle of development
- Impact on the Green Belt
- Impact on character and appearance of area
- Parking and highway safety

Principle of development

The application site is located in the open countryside close to the village of Lapworth. Lapworth is a village that sits approximately 1km to the north of the application site. The development would be small scale in nature and is considered to be appropriate within the rural area. Therefore, providing the proposed is acceptable in green belt terms, it is considered it would be acceptable in principle.

Impact on the openness of the green belt

Emerging Policy DS19 states that the Council will apply green belt policy in accordance with government guidance as set out in national policy.

Paragraph 79 of the NPPF states that the fundamental aim of green belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of green belts being their openness and their permanence. Paragraph 89 includes a list of types of development which are not considered to be inappropriate within the green belt which includes the provision of appropriate facilities for outdoor sport and recreation provided that they preserve openness and do not conflict with the purposes of including land in the green belt. Paragraph 90 includes a further list of forms of development which are also not inappropriate provided they preserve openness and do not conflict with the purposes of including land in the green belt. This includes engineering opportunities.

The proposed development is considered to constitute appropriate facilities for outdoor sport and recreation which by its nature is not considered to materially impact upon openness or the purpose of including land within the Green Belt.

The manege would be constructed from sand and would be surrounded by a 1.4m post and rail fencing. While this would have a very limited impact on the openness of the green belt, it is an outdoor recreational feature which is expected within the countryside. It would also be constructed from a natural

material and would be surrounded by open fencing which would mitigate against the impact on the green belt. The site is also relatively well screened by vegetation. Finally, it is also noted that a form of the fencing could be erected under permitted development.

The stable building has been designed so that it would not be obtrusive within the landscape as it is located within the corner of the field with a modest ridge height. The number of loose boxes and the size of the stable building has been kept to a minimum whilst allowing space for the number of horses the wider field in the applicant's ownership has space for. This reduces the quantum of built development to a minimum and would mean the built form is proportionate to the number of horses to be accommodated. While it is noted that there would be views to the building from the adjacent pathway, these would be tempered by the vegetation and this, with the modest height and bulk, would mean that the erection of stables would preserve the openness of the green belt.

The barn proposed would also be modest in terms of height and size. It would be used to store hay and other items needed to care for the horses and the 19 acres of land owned by the applicant. For the same reasons as the stable building, it is considered to be acceptable within the green belt.

With regards to the access track and the potential earthworks needed to facilitate the development, these would be appropriate development under Paragraph 90 of the NPPF if they preserve openness and do not conflict with the purposes of including land in the green belt. It is considered that, subject to the type of surface treatment, that the track would preserve the openness as it is not overly lengthy and is largely screened by existing vegetation. A material that is non-intrusive could be used to further reduce the impact. The earthworks would, subject to the earth removed not being piled up on the site, preserve the openness also as it would not create any additional built form. A condition could be placed on any permission requiring a landscaping plan prior to the commencement of development dealing with how the earthworks will be undertaken and showing the access track and hardstanding materials.

As a whole, the proposed development is therefore considered to be appropriate within the green belt as the buildings are modest in size, the engineering operations and manege would not be dominant in the landscape, the materials used would reduce the impact and the type of development would be appropriate in a rural green belt area. The proposed is therefore appropriate in nature and complies with Emerging Policy DS19 and Paragraphs 89 and 90 of the NPPF.

Conclusions on principle

As the development is considered to be appropriate in nature and would preserve the openness of the green belt and the purposes of including the land within it, it would therefore comply with the relevant national and local plan policies and would be acceptable in principle.

Impact on character of surrounding area

The proposed development would respect the rural character of the area and landscape by due to the use, materials and design of the proposed. The application site is partially screened by trees and, notwithstanding the track to the west of the site which is used by walkers, is in a relatively secluded location. The stables and barn would be constructed of timber cladding which would be appropriate within the area and would be of a modest and acceptable size. The manege would be ringed by a relatively low level and fence. The proposed sand surface would ensure that the manege is not overly jarring in nature when viewed in the wider landscape. Conditions could ensure there is no floodlighting; the access materials, level of regrading and what is done with the removed soil; and the private use.

With the above conditions in place, the proposed would respect the character of the surrounding area and the wider landscape.

Access, Traffic and Parking

The proposed would utilise an existing access off Tapster Lane. Within the site there would be space for vehicles to turn and exit in a forward gear. The Local Highway Authority has been consulted as part of the application and has no objection to the application.

The proposal is for a private rather than commercial use of the site, the latter in itself requiring planning permission, and any traffic created would be limited as the site could only be used privately and there could be no renting out of loose boxes or other commercial activity.

As such, the proposed development would be acceptable with regards to access and traffic generation.

Other Matters

Renewable energy

The Sustainable Buildings Supplementary Planning Document requires residential and non-residential developments, including conversions to provide 10% of the predicted energy requirement to be produced on site, or in the locality from renewable energy resources except in cases where it can be demonstrated that it is not feasible to incorporate such measures.

No statement has been submitted in support of this application. However, in this instance, due to the design, appearance and proposed use of the building, there would be little energy demand. On this basis, it is considered that it would not be reasonable to request energy reduction measures.

Amenity of neighbouring properties

The nearest resident is over 100m away from the application site. The applicant has confirmed that waste will be collected and spread over the field and not burned. As above, it is also considered that due to the relatively modest size of

the proposed that any increase in traffic would not have a materially harmful impact on these adjacent occupiers. The proposed would therefore be acceptable in this regard.

Trees and Hedgerows

The site is surrounded by a hedgerow which contains a number of trees. The proposed works may potentially have an impact on these trees due to the regrading that is needed to facilitate the development, however an appropriately worded condition is recommended to ensure that any such work is undertaken in a manner which has no such impact.

Ecology

There are records of adders and newts near to the site and other Local Wildlife Sites within close proximity and the level of works required for the development would have the potential to harm these species. An assessment has been undertaken by a qualified ecologist and whilst there is a minimal chance of any adverse impact on any protected species, appropriate conditions are proposed to ensure that is the case.

Drainage

The application site sits within Flood Zone 1. There are parts of the wider site to the south, however, that are within Flood Zone 3. Details of the manage construction have been received and this includes drainage measures. It is therefore considered that the proposed would be acceptable with regards to drainage.

Summary/Conclusion

The principle of development is considered acceptable having regard to both the policies relating to the provision of rural recreational facilities and the to the relevant green belt policies in the NPPF. The proposed development is considered to be appropriate in green belt terms and preserves its openness. There would be no material harm caused to the character of the wider area, the amenity of neighbouring properties or the highway network. Suitable planning conditions can control the use of the proposed and its constructions and therefore, it is considered to represent a sustainable form of development overall. For these reasons, it is recommended that planning permission be granted subject to the following conditions and notes.

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 approved amended drawings 17-5576-130 Stables Elevations Rev P1, 17-5576-131 Barn Elevations P1, 17-5576-110 Floor Plans P3, 17-5576-120 Sections Rev P3, 17-5576-

121 Sections Rev P3, Block Plan P2, Location Plan P2 and specification contained therein. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Saved Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

- 3 The materials to be used externally on the stables, barn and manege hereby permitted shall be constructed of timber or similar. **REASON:** To ensure the proposal is constructed in a sympathetic manner that respects the rural character of the area in accordance with Saved Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011.
- 4 No part of the development hereby permitted shall be commenced or equipment, machinery or materials brought onto the site until a scheme for the earthworks to be undertaken has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include, but is not limited to, details such as:
- Plans showing the extent and location of the earthworks
 - Details of how any earthworks will mitigate against and protect any existing trees/hedging
 - Details of how any excavated earth will be disposed of

The development shall then be implemented in accordance with the approved details and retained as such thereafter. **REASON:** To ensure the proposal is constructed in a sympathetic manner that respects the rural character of the area in accordance with Saved Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011.

- 5 No development shall commence until a Protected Species Contingency Plan and any subsequent mitigation measures including adequate measures to protect the adjacent and nearby Local Wildlife Site, the River Alne, and potential Local Wildlife Sites, Tapster Lane Verges and Tapster Valley during development have been submitted to and approved in writing by the planning authority. In discharging this condition the LPA expect to see details concerning pre-commencement checks and any subsequent mitigation measures for protected and notable species, such as badger, bats, breeding birds, reptiles and amphibians, along with appropriate working practices and safeguards for wildlife that are to be employed whilst works are taking place on site. The mitigation measures should include, but are not limited to, access, storage of materials, fencing, and buffer zones. The agreed Protected Species Contingency Plan and mitigation measures shall thereafter be implemented in full and retained as needed. **REASON:** To ensure the protection of important habitats and protected species during and after development in accordance with Saved Policy DAP3 of the Warwick District Local Plan 1996-2011.

- 6 No development or other operations (including demolition, site clearance or other preparatory works) shall commence unless the tree protection measures identified in the tree survey submitted by Cotswold Wildlife Surveys and dated 27th July 2017 have been put into place in full accordance with the approved details and thereafter shall remain in place during any such construction work unless otherwise agreed in writing by the local planning authority. 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 and adjacent to the site which are of amenity value in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.

- 7 The use of the land, manege and stables hereby permitted shall be limited solely to the private keeping and exercising of horses and shall not be used for any commercial equestrian enterprise or business (including livery). **REASON:** The Local Planning Authority would wish to consider the implications of a commercial or other more intensive use having regard to character of area, residential amenity, traffic generation, highway safety and appropriateness in the green belt in accordance with Saved Policies DP1, DP2, DP6 and DP7 of the Warwick District Local Plan 1996-2011 and Emerging Policy DS19 of the Warwick District Local Plan 2011-2026.

- 8 No floodlighting shall be erected or installed to light the manege hereby permitted without the prior granting of planning permission by the Local Planning Authority. **REASON:** To ensure the proposal respects the rural character of the area in accordance with Saved Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011.

- 9 There shall be no burning of waste on the site at any time. **REASON:** To protect the amenity of neighbouring properties in accordance with Saved Policy DP2 of the Warwick District Local Plan 1996-2011.

Planning Committee: 15 August 2017

Item Number: 16

Application No: [W 17 / 1068](#)

Town/Parish Council: Whitnash
Case Officer: Helena Obremski
01926 456531 Helena.Obremski@warwickdc.gov.uk

Registration Date: 22/06/17
Expiry Date: 17/08/17

3 Archers Row, Acre Close, Whitnash, Leamington Spa, CV31 2ND

The erection of a porta-cabin in the corner of the car park for extra storage and office space for Linleigh Electrical FOR Linleigh Electrical

This application is being presented to Committee as the Town Council supports the application and it is recommended for refusal.

RECOMMENDATION

Planning Committee is recommended to refuse planning permission.

DETAILS OF THE DEVELOPMENT

The application seeks planning permission for the erection of a porta-cabin to the rear of Archers Row. The porta-cabin would be for use by Linleigh Electrical, an electrical company currently occupying 3 Archers Row who require the porta-cabin for additional storage space.

THE SITE AND ITS LOCATION

The application site is an existing service area to the rear of Acre Close and Archers Row, which is a row of small shops. The service area provides parking, garages and access for deliveries to the rear of the shops. There are residential properties to the north and south of the site and also flats above the shops.

PLANNING HISTORY

W/09/1363 - application refused for the erection of 2no. bungalows following the demolition of garages.

W/10/0572 - application refused for the erection of 2no. bungalows following the demolition of garages.

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)
- DP8 - Parking (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)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Vehicle Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

Whitnash Town Council: Support the application as long as it does not obstruct the footpath from the allotments.

WCC Highways: No objection as the development does not impact the public highway.

Health and Community Protection - Environmental Sustainability Section: No objection.

1 Public Response: One objection received as the proposed porta-cabin will result in a loss of parking which will lead to vehicles parking within Acre Close, causing congestion and danger to highway safety. The loss of the space taken up by the porta-cabin will result in difficulty for cars and delivery vehicles turning.

ASSESSMENT

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

- Impact on the character and appearance of the area
- Impact on living conditions of nearby dwellings

- Car Parking and Highway Safety
- Ecological Impact
- Health and Wellbeing

Impact on the character and appearance of the area

The National Planning Policy Framework (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 calls for development to be constructed using the appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area.

The proposed porta-cabin would be reasonably large, measuring 3 metres by 10 metres. Porta-cabins would only usually be approved where there is a justified need and on a temporary basis owing to their short-term lifespan and lack of design quality. The applicant states that they need additional storage space for their electrical business and that they could "*see the porta-cabin as a temporary measure*". However, the application was made for a permanent structure. This statement gives the Council little confidence that the porta-cabin would be used as a temporary structure as there is no justification presented as to why the structure is only required for this length of time or what would happen after the temporary period expired.

Approving a temporary structure on a permanent basis even in a location such as this service yard could set a precedent for similar development. The porta-cabin is not considered to improve the character of the area, its quality or the way it functions, and in fact would be detrimental to the way in which the service yard is utilised by the occupants of the shop and flats above which is discussed in more detail below.

The poor quality and temporary nature of the structure is considered to be detrimental to the wider area on a permanent basis and could set a precedent for similar development. Furthermore, the development is considered to be detrimental to the functioning of the site and is therefore considered to conflict with the NPPF and adopted Local Plan policy DP1.

Impact on living conditions of nearby dwellings

Warwick District Local Plan policy DP2 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a responsibility for development not to cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion.

The proposed porta-cabin would be positioned at the end of the service yard and would be located next to the boundaries serving 92 and 94 Heathcote Road

which are residential dwellings. Currently, there is a high level boundary fence which would separate the porta-cabin from the residential properties, which would be 12 metres away at the closest point. As the porta-cabin would only be single storey and there is a high level boundary fence which would obscure most of the views of the porta-cabin at ground floor level, it is considered that there would be no harm caused to residential amenity as a result of the proposed development. It is also noted that Environmental Health Officers have no concern regarding any potential noise impacts as a result of the porta-cabin.

It is considered that the proposed development complies with the NPPF and adopted Local Plan policy DP2 in respect of this issue.

Car Parking and Highway Safety

The porta-cabin would be positioned in an existing service yard which is used for deliveries for the shops which front onto Acre Close. Furthermore, there are a number of garages which would be positioned opposite to the porta-cabin. It is acknowledged that these garages are somewhat dilapidated, however, it is clear that they are still in use. It should be noted that the garages are not under the ownership of the applicant.

WCC Highways have commented on the application and have no objection because they consider that there would be no impact on the public highway, which is noted. However, it is also the Council's obligation to assess what impact the proposed development could have amenity. The porta-cabin would leave a distance of 4.5 metres between the garages and the nearest elevation. A distance of 6 metres is however required in order to allow vehicle access in and out of the garages, meaning that their use for vehicle parking would no longer be viable. It is assumed that the garages are for the use of the occupants of the flats above the shops who would then be required to park vehicles elsewhere. It is also noted that parking to Acre Close is somewhat congested. Furthermore, there is also concern from Officers that the porta-cabin would hinder the ability of large delivery lorries to turn within the service yard. The applicant claims that no large deliveries lorries use the area, however, an objection has been received from a member of the public which shares the view of Officers regarding these vehicles.

It is considered that the proposed porta-cabin would reduce the number of vehicle parking spaces available for the occupiers of the flats above the nearby shops and could also reduce the ability for large vehicles to turn within the service yard, potentially posing danger to pedestrians. Therefore, the development is considered to conflict with the NPPF and adopted Local Plan policies DP2 and DP8.

Ecological Impact

No issues.

Health and Wellbeing

No health and wellbeing benefits are identified.

CONCLUSION

The proposed development is considered to be harmful to the appearance and character of the area, by virtue of its temporary nature and poor quality design which is applied for on a permanent basis. The proposed development would also be harmful to the functionality of the area by virtue that it would lead to the garages becoming inaccessible by vehicles and could lead to delivery vehicles being unable to turn around to exit the service area, which could lead to an increase in parking elsewhere and harm to pedestrian safety. For these reasons, the application should be refused.

REFUSAL REASONS

- 1 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. Policy DP1 of the Warwick District Local Plan 1996-2011 states that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design.

Approving a temporary structure of poor quality and design on a permanent basis could set a precedent for similar development. The porta-cabin is not considered to improve the character of the area, its quality or the way it functions, and would be detrimental to the way in which the service yard is utilised by the occupants of the shop and flats above.

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

- 2 Policy DP2 of the Warwick District Local Plan 1996-2011 states (inter alia) that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents. Furthermore, Policy DP8 of the Warwick District Local Plan 1996-2011 states (inter alia) that development will only be permitted that makes provision for car parking that does not result in on-street parking detrimental to highway safety.

The porta-cabin would leave a distance of 4.5 metres between the garages and the nearest elevation of the development, which is an inadequate distance to allow vehicular access to the existing garages; this could lead to an increase in on street parking to Acre Close which is already congested and could lead to an impact on highway safety. Furthermore, the porta-cabin will reduce the turning area for large

delivery vehicles, which may have to reverse out of the service yard, which could pose danger to pedestrian safety.

The proposal is thereby considered to be unneighbourly and contrary to the aforementioned policies.

Planning Committee: 15 August 2017

Item Number: 17

Application No: [W 17 / 1091](#)

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

Registration Date: 12/06/17

Expiry Date: 07/08/17

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47 Cubbington Road, Lillington, Leamington Spa, CV32 7AA

Demolition of numbers 43-47 Cubbington Road, Leamington Spa and erection of 1no. replacement residential dwelling together with demolition of an existing garage block and the erection of a two-storey garage block (amendments to planning approval ref: w/16/0286). FOR Mr & Mrs Scale

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The application seeks planning permission for the demolition of numbers 43- 47 Cubbington Road and the erection of one replacement dwelling. The proposal also includes the demolition of the existing garage block to the rear of the site and erection of a two storey garage block. The proposed garage block will house a workshop/garage on the ground floor, with games room and guest bedroom above.

The scheme is in principle very similar to that which was approved under application W/16/0286, in that the scale and design of the development will remain the same. Further to the previous application being granted, structural analysis revealed that additional strengthening will be required in order to ensure that the new dwelling is structurally sound. This requires the demolition and rebuilding of the properties, for which planning permission is now sought under this application.

It should be noted that the current application is the same as the previous submission in terms of scale, footprint, volume and design, apart from a small alteration to the design of the garage block.

THE SITE AND ITS LOCATION

The site comprises of a terrace of four hexagonal shaped two storey dwellings, set back from the highway and situated within the designated Conservation Area boundary. There is a private access drive off Cubbington Road which leads to a garage block comprising of 4 concrete panel garages. To the rear is an open

grassed area. Running along the boundary separating the driveway and numbers 41 and 41a Cubbington Road is a 1.8 metre high fence. Mature trees and grass separate the properties from Cubbington Road which means that the site is reasonably well screened. The application relates specifically to three of the four hexagon houses, and one will remain under separate ownership.

43-49 Cubbington Road are prefabricated houses on hexagonal plans, constructed in 1967. The system, a modular design by John B Thorne of Thorne and Barton architects, had been developed in 1964, when a group of three demonstration houses were built in Lock Lane, Warwick. Their construction, which featured in a contemporary Pathé newsreel, was designed to take only a few hours, using prefabricated components. Their low cost - £1950 for a two-bedroomed house; about £2,500 with the land on which to build - and the simple construction, which didn't require the use of cranes or scaffolding.

In 1967, four linked hexagonal units were constructed in Lillington on a plot previously owned by the nearby parish church. A new suburb was growing up as part of post-war expansion as a large area of social housing was constructed. The Warwick demonstrator units are no longer extant, meaning that the Lillington houses are the only ones to survive. Despite the optimism in the Sphere article, the design was never commercially developed, so it is likely that no further examples were constructed.

PLANNING HISTORY

W/16/0286 - application approved for extensions and alterations to Nos. 43-47 Cubbington Road (to reduce to one dwelling) together with demolition of an existing garage block and the erection of a two storey garage/workshop and ancillary accommodation.

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)
- DAP3 - Protecting Nature Conservation and Geology (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)
- DP8 - Parking (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)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (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)
- TR4 - Parking (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)

Guidance Documents

- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Vehicle Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: No objection.

WCC Ecology: Objection, an updated initial bat survey is required.

WCC Highways: No objection.

Tree Officer: No objection following submission of updated arboricultural statement. The recommendations of the report should be implemented and adhered to for the duration of the works.

CAF: Objects to the proposed demolition of this twentieth century building, which is of innovative construction and special historic and architectural significance.

Twentieth Century Society: Objection to the demolition of the properties which are an imaginative solution to the type of small family housing that is in high demand across the country, and are remarkable in their ingenuity and technical innovation. They survive extremely well and make a highly positive contribution to the local townscape, and the Society considers that they are of strong local interest in the very least.

6 Public Responses: Objections, concern focuses on the fact that the properties will be demolished and that they are of historic interest and merit. The properties are unique, considered as a landmark and should be protected. The properties have community value. Requests for a photographic record of the internal and external structure if the application is approved. Other request that the original structures are moved to a museum if approved.

ASSESSMENT

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

- Principle of the development
- Impact on the character and appearance of the area
- Impact on landscape and heritage assets
- Impact on living conditions of nearby dwellings
- Parking and highway safety
- Sustainability
- Open space contributions
- Ecological and tree issues
- Health and Wellbeing

Principle of the development

Adopted Local Plan policy DAP9 states that

"Alterations or extensions to unlisted buildings which will adversely affect the character, appearance or setting of a Conservation Area will not be permitted. There will be a presumption in favour of the retention of unlisted buildings that make a positive contribution to the character and appearance of a Conservation Area. Consent for total demolition of unlisted buildings will only be granted where the detailed design of the replacement can demonstrate that it will bring about a genuine qualitative improvement to the Conservation Area and to the setting of adjacent buildings."

Under the previously approved scheme (W/16/0286) the extensions and alterations to the dwellings and garage block were approved. This application has only been submitted owing to the fact that the existing dwellings are not structural sound enough to be converted to one dwelling and therefore need demolishing and rebuilding. The properties will be rebuilt to exactly the same dimensions and specification as the previous application, and therefore, there will be no material change to the finished structure. The existing site is dilapidated - the existing dwellings are in need of refurbishment and the site is cluttered and untidy. By carrying out this work, the overall site will be vastly improved and will enhance the Conservation Area. Whilst the properties will be demolished, they will also be rebuilt to the same dimensions and design, and in this sense will not be lost.

There have been a number of objections from members of the public, the Twentieth Century Society and the Conservation Area Forum to the demolition of the properties. They state that the dwellings are of innovative construction and special historic and architectural significance. They also contend that they make a highly positive contribution to the local townscape that they are of strong local interest. These comments are acknowledged. However, there were no objections of this nature to the previous application, and ultimately there will be no material change in terms of the impact which the proposed development will have. The hexagon houses are simply to be taken down and reconstructed so that they can meet current Building Regulation standards. It is not considered that there will be a material loss of the overall appearance of the dwellings which currently add to the Conservation Area, providing an overall enhancement to the

site and Conservation Area. Therefore the development is not considered to conflict with the spirit of adopted Local Plan policy DAP9.

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 Local Plan calls for development to be constructed using the appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area. Finally, the Residential Design Guide 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.

There would be no change to the street scene from the application which was previously approved. There will be a small design change to the proposed garage block to the rear of the site which is considered to be acceptable. Therefore, the development is considered to be acceptable in principle from a design point of view and accords with the NPPF and adopted Local Plan policy DP1.

Impact on landscape and heritage assets

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

Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Warwick District current Local Plan policy DAP8 requires development to preserve or enhance the special architectural and historic interest and appearance of Conservation Areas. It goes on to state 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.

As previously mentioned, there have been a number of objections to the demolition of the dwellings. However, as discussed, their demolition is acceptable in principle. An objector requested that if the application is approved, could a photographic record of the internal and external structure be taken prior

to commencement of works on site. The Case Officer has discussed with the agent who has confirmed that the applicant would be happy to do this as a gesture of good will and is prepared to accept a condition to the application to ensure that this is carried out.

During the course of the application, a submission was made to nationally list the hexagon houses to Historic England. However, they determined that the dwellings were not recommended for listing owing to their lack of architectural interest (as there were many pre-fabrication properties built in the 1960s, they use typical elevational treatments of the 1960s and have already undergone alterations which have had a disproportionate effect on the character of the exterior), and lack of historic interest (the design was not widely taken up or put into commercial production). Historic England do note that they are of local interest.

Therefore, as the proposed development will result in an overall enhancement to the site and there will be no alteration to views of the Conservation Area in comparison to the previously approved scheme, it is considered that there would be no harm caused to the Conservation Area as a result of the proposed development. The development is considered to comply with the NPPF and adopted Local Plan policy DAP8.

Impact on neighbours

Warwick District Local Plan policy DP2 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a responsibility for development not to cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion. The Residential Design Guide provides a framework for policy DP2, which stipulates the minimum requirements for distance separation between properties and that extensions should not breach a 45 degree line taken from a window of nearest front or rear facing habitable room of a neighbouring property.

Under the previous application an assessment was made on the impact which the proposed development would have on neighbouring residential amenity. It was concluded that subject to a condition restricting the use of the outbuilding for ancillary purposes only and a condition to restrict the installation of windows facing towards neighbouring properties, that the development would not have a detrimental impact on the occupiers of neighbouring dwellings.

There will be no change to the scale of the proposed dwelling or garage block. However, there are some additional windows proposed to the northwest elevation - these are high level and would not overlook any residential properties. There are full length windows proposed to the ground and first floor of the southwest elevation which could potentially cause a perception of overlooking towards 41a Cubbington Road. However, the agent proposes slatted shutters which are able to open at angle such that the occupiers would only have an obscure view from these areas which would not overlook the neighbouring property. The agent has confirmed that he is prepared to accept a condition requiring the shutters to be installed prior to occupation, to remain in perpetuity,

and to ensure that they cannot be fully opened. Furthermore, it should be noted that the shutters do not serve habitable rooms to this elevation which is closest to the neighbouring property.

There will also be a window serving the southeast elevation at first floor which will be served by the shutters. Without the shutters there would only have been a very obscure view of 49 Cubbington Road, however, shutters are also proposed to this window which will be conditioned to remain in perpetuity.

It is concluded that as planning permission would be required to use the garage block as a separate dwelling that a condition limiting the use to ancillary purposes is not reasonably necessary. The development is considered to accord with the NPPF, adopted Local Plan policy DP2 and the Residential Design Guide.

Parking and highways

There is sufficient space within the curtilage for the parking of vehicles in connection with the proposal as well as garaging being provided. WCC Highways have no objection to the proposed development. It is considered that the scheme would meet the requirements of the Council's adopted SPD on Vehicle Parking Standards and adopted Local Plan policy DP8.

Sustainability

It is considered that a condition could be attached to any approval requiring either details of a renewables scheme or details of a fabric first approach, in accordance with the Council's adopted SPD on Sustainable Buildings and Policy DP13 in the Local Plan.

Open space contributions

As the development will reduce the number of residential units, it is considered that this requirement does not apply in this instance.

Ecological and tree issues

A bat survey was submitted as part of the application, however, WCC Ecology considered that as this was completed in 2015 that it is out of date and a updated survey is required. The applicant has submitted an updated survey accordingly and Officers are awaiting a response from WCC Ecology with the relevant recommendations which are expected prior to the Planning Committee meeting.

The Council's Tree Officer initially objected to the proposal because the Arboricultural Method Statement had not been updated from the previous application. An amended statement has now been submitted which the Tree Officer is satisfied with, subject to the recommendations of the report being followed, which can be secured by condition.

Health and Wellbeing

The proposed development will ensure that the amenity areas of the site are enhanced, bring wellbeing benefits.

CONCLUSION

It is considered that the proposal would not have a detrimental impact on the streetscene or character of the Conservation Area. The development would have no adverse impact on neighbours. The application is thereby considered to adhere to the objectives of the local plan policies listed and should be approved.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 700284-PL-004C, 700284-PL-005C, 700284-PL-006C, 700284-PL-007C and 700284-PL-008B, and specification contained therein, submitted on 12th June 2017. **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 works shall take place unless a programme to photographically record the internal and external building fabric to be demolished as part of the approved works has been submitted to and approved in writing by the local planning authority and the approved programme has been implemented. **REASON:** To ensure the appropriate recording of features or buildings before development commences that are Important to the understanding of the Districts historical development in accordance with Policy DAP4 & DP3 of the Warwick District Local Plan 1996-2011.
- 4 No development shall be carried out on the site which is the subject of this permission, until 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 colour finishes) 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.
- 5 The development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to

the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO² emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

REASON: To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

- 6 If an air source heat pump is chosen as the method to comply with the requirement for renewable energy, noise arising from the air source heat pump(s) permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **REASON:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no additional windows or doors shall be inserted at ground or first floor level in the ancillary accommodation/garage/workshop. **REASON:** Due to the nature of the development and its relationship with adjoining properties it is considered important to ensure that no additional windows or doors are provided without the permission of the local planning authority in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011.

- 8 No development or other operations (including demolition, site clearance or other preparatory works) shall commence unless the tree protection measures identified in the approved application documentation (*Updated Tree Report for 43-47 Cubbington Road, Leamington Spa, Warwickshire, CV32 7AA* completed by Cotswold Wildlife Surveys and submitted to the Local Authority on 2nd August 2017) have been put into place in full accordance with the approved details and thereafter shall remain in place during any such construction work unless otherwise agreed in writing by the local planning authority. **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 The hereby approved shutters serving the garage block shall be installed prior to occupation, and shall be installed in such a way that they cannot open fully, providing an obscure view from the garage. The shutters shall remain in perpetuity unless otherwise agree in writing by the Local Authority. **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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Planning Committee: 15 August 2017

Item Number: 18

Application No: [W 17 / 1161](#)

Town/Parish Council: Beausale, Haseley,
Honiley & Wroxall

Registration Date: 22/06/17
Expiry Date: 17/08/17

Case Officer: Emma Spandley
01926 456539 emma.spandley@warwickdc.gov.uk

The Stables, Lyon Farm, Rouncil Lane, Beausale, Warwick, CV35 7AL
Conversion of existing garage, new velux window, alterations to existing
windows. FOR Mr Bates

This application is being presented to Committee as the Parish Council supports the application and it is recommended for refusal.

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

This application is a revised proposal following the refusal of a similar scheme by Planning Committee on 13 April 2017. That scheme proposed a number of alterations to a converted former agricultural building and was refused because of the cumulative impact on the character of the building. This application seeks to overcome that reason for refusal with the main differences between the previously refused application and the current application being:-

- The omission of the porch;
- The replacement of the previously proposed bi-folding doors with French doors.

The scheme retains all of the other proposed changes to the building.

THE SITE AND ITS LOCATION

The application property forms part of a small group of residential properties which are isolated and sited on a quiet country lane within the Green Belt. Agricultural land surrounds the property, and the applicant owns the paddock adjoining their residential curtilage to the north, and other land nearby. There are two residential properties adjoining the site, The Granary to the west and Lyon Farm Cottage to the south.

The application dwelling is a roughly T shaped barn conversion which is attached to one adjoining residence on the south side. The dwelling has an adjoining garage extension added at the time of conversion at the front, which projects towards the road. The converted barn is raised above the ground level at the

front of the site so it is approached by steps and has a raised brick walled flower bed against the front elevation.

PLANNING HISTORY

W/99/1554 - Conversion of barns to 3 dwellings, erection of extensions to existing cottage, erection of detached garage for farmhouse and erection of stables for use by unit 3 - Granted 9th February 2000 - permitted development rights removed.

W/04/1780 - Erection of a new garage and conservatory; demolition of existing buildings; new site access after closure of existing - Granted.

W/11/1007 - Proposed conversion of double garage to form single garage and additional living space. Installation of new access door way into the existing utility. Installation of additional roof light. Alterations to existing raised planting beds to form access and steps to new access door way - Granted 5th March 2012.

W/17/0142 - Conversion of existing garage, installation of new velux window, alterations to existing windows and the formation of new windows and a new oak porch and canopy, refused 27th April 2017.

For the following reasons:-

"Policy RAP7 of the Local Plan and the Agricultural Barn Conversion SPG seek to retain the original character and integrity of barns. Their conversion is acceptable as long as non traditional elements are not added. The application property is a barn which has been converted sensitively. The application proposes to install bi folding doors and create additional openings where none existed before adding in alien and incongruous features not associated with barns which would result in material harm to the character and appearance of the barn conversion and would be contrary to the aforementioned policies."

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)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- RAP7 - Converting Rural Buildings (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

- Agricultural Buildings and Conversion - Barns (Supplementary Planning Guidance)

SUMMARY OF REPRESENTATIONS

Beausale, Haseley, Honiley & Wroxall Parish Council: Support the proposal.

ASSESSMENT

Whether the proposal constitutes appropriate development in the Green Belt and, if not, whether there are any very special circumstances which outweigh the harm identified

The National Planning Policy Framework (NPPF) states that the essential characteristics of Green Belt are openness and permanence. The application proposes to convert the existing garage, insert two sets of French doors in lieu of garage doors; a new set of French doors to the rear and a conservation style roof light to the rear. The NPPF sets out exemptions to inappropriate development in the Green Belt which includes extensions which are not disproportionate. The proposed development taken together with previous extensions does not exceed 30% as stipulated in Policy RAP2 of the Local Plan as the proposal does not include the creation of any additional floor space and therefore the proposal is considered to be appropriate development in the Green Belt.

The impact on the rural character and appearance of the barn conversion

The Agricultural Buildings and Conversion Supplementary Planning Guidance (SPG) states that barns are an important and valuable feature of the rural landscape. The introduction of inappropriate design elements can be highly destructive to the character, historic fabric and setting of a former barn or agricultural complex.

Barns were essentially used for the storage of cereal crops, their threshing and winnowing. This function is reflected in the character of the building - large internal voids with great barn doors to allow access. With the exception of ventilation slots and the occasional pitch or owl hole, walls are characterised by their lack of openings. It is precisely these characteristics that are so important if the integrity of a barn is to be retained and not compromised by inappropriate conversion.

With regard to the installation of roof lights, with the exception of an occasional pitching loft, roofs are characterised by their unbroken lines and total lack of any

openings. Roof lights need to be handled carefully; modest in size, flush with the roof pitch, restricted to the absolute minimum and located below the centre line of the roof in the bottom third of the roof slope.

Whilst the omission of the porch is to be welcomed, the other changes proposed in the application are not considered to overcome the previous reason for refusal in that they essentially replace one form of inappropriate opening with another.

The result is that the revised proposals continue to impact upon the character and integrity of the converted building to an unacceptable degree to which there therefore remains an objection.

Summary/Conclusion

The Agricultural Barn Conversion SPG seeks to retain the character of the barns. Their conversion is acceptable as long as non traditional elements are not added. The property is a barn which has been converted sensitively. The application proposes to install three sets of French doors and create additional openings where none existed before adding urban features which are not associated with barns. The proposed works would result in material harm to the character and appearance of the barn conversion and would be contrary to Policy RAP7 and the adopted Agricultural Buildings Conversion SPG.

REFUSAL REASONS

- 1 Policy RAP7 of the Local Plan and the Agricultural Barn Conversion SPG seek to retain the original character and integrity of barns. Their conversion is acceptable as long as non traditional elements are not added. The application property is a barn which has been converted sensitively. The application proposes to install double french doors and create additional openings where none existed before adding in alien and incongruous features not associated with barns which would result in material harm to the character and appearance of the barn conversion and would be contrary to the aforementioned policies.
