

Planning Committee

Tuesday 10 January 2017

A meeting of the above Committee will be held at the Town Hall, Royal Leamington Spa on Tuesday 10 January 2017 at 6.00pm.

Councillor Cooke (Chairman)

Councillor Ashford (Vice Chairman)

Councillor Boad

Councillor Morris

Councillor Mrs Bunker

Councillor Naimo

Councillor Day

Councillor Mrs Stevens

Councillor Heath

Councillor Weed

Councillor Mrs Hill

Emergency Procedure

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

Agenda

Part A – General

1. Apologies and Substitutes

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

2. Declarations of Interest

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

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

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

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

3. **Site Visits**

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

4. **Minutes**

To confirm the minutes of the Planning Committee of 6 December 2016.

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Part B – Planning Applications

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

5. **W/16/0835 – 7E Clarendon Avenue, Royal Leamington Spa** **(Pages 1 to 5)**
6. **W/16/1314 – 16 Old Square, Warwick** **(Pages 1 to 9)**
7. **W/16/1659 – 32 Yardley Close, Woodloes Park, Warwick** **(Pages 1 to 5)**
8. **W/16/1676 – 29-33 High Street, Royal Leamington Spa** **(Pages 1 to 8)**
9. **W/16/1762 – Lawrence House, 1A Morrell Street, Royal Leamington Spa** **(Pages 1 to 9)**
10. **W/16/1823 – 25 Beauchamp Road, Royal Leamington Spa** **(Pages 1 to 13)**
11. **W/16/1831 – Newlands, Mill Lane, Little Shrewley, Shrewley** **(Pages 1 to 7)**
12. **W/16/1906 – 32B Kenilworth Road, Royal Leamington Spa** **(Pages 1 to 6)**
13. **W/16/1976 – 250 Myton Road, Warwick** **(Pages 1 to 5)**

Part C – Other matters

14. **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 Friday 30 December 2016

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

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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 6 December 2016 in the Town Hall, Royal Leamington Spa at 6.00 pm.

Present: Councillor Cooke (Chairman); Councillors Ashford, Mrs Bunker, Day, Gifford, Heath, Mrs Hill, Morris, Naimo, Mrs Stevens and Weed.

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

99. Apologies and Substitutes

(a) There were no apologies.

(b) Councillor Gifford substituted for Councillor Boad.

100. Declarations of Interest

Minute Number 104 – W/15/1704 – Haseley Manor, Haseley Business Centre, Hatton

Councillor Gifford declared an interest because he had spoken on a previous application from Spitfire. He felt that on this application, he had an open mind.

Minute Number 106 – W/16/1204 – 79 Bedford Street, Royal Leamington Spa

Councillor Gifford declared an interest because he was interested in this particular application and did not feel it was appropriate that he participated in the decision. He sat with the public whilst this application was discussed.

Minute Number 108 – W/16/1744 – Land adjacent to 19 Pickard Street, Warwick

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

101. Site Visits

To assist with decision making, Councillors Ashford, Cooke, Heath, Mrs Hill, Morris, Naimo, Mrs Stevens and Weed had visited the following application sites on Saturday 3 December 2016.

W/16/1139 – Talisman Square, Warwick Road, Kenilworth
W/16/1744 – Land Adjacent to 19 Pickard Street, Warwick

102. Minutes

The minutes of the meeting held on 8 November 2016 were taken as read and signed by the Chairman as a correct record.

PLANNING COMMITTEE MINUTES (Continued)

103. W/16/0239 – Land to the north and south of the A45 (Between Festival and Tollbar junctions) and land at the A45/Festival Roundabout, the A46/Tollbar Roundabout and at the junctions of the A444 with the 4414/Whitley Roundabout

The Committee considered an outline application discharging access with all other matters reserved, from Coventry City Council and Jaguar Land Rover for a comprehensive development comprising the demolition of existing structures and the erection of new buildings to accommodate offices, research & development facilities and light industrial uses (use Class B1), hotel accommodation (use Class C1), car showroom accommodation, small scale retail and catering establishments (use Classes A1, A3, A4 and/or A5), new countryside park, ground modelling work including the construction of landscaped bunds, construction of new roads/footpaths/cycle routes, remodelling of junctions on the existing highway network, associated parking, servicing and landscaping.

This application had been considered by Planning Committee on 23 April 2016 and Members resolved to grant planning permission, subject to the completion of a satisfactory section 106 agreement to secure various restrictions and contributions. Work had been progressing with the section 106 agreement and this was nearing completion.

Alongside this, Jaguar Land Rover had been undertaking further due diligence and investigations into the site and it had become apparent that the site was currently constrained by the availability of a power supply in the short term. This had created an issue with Condition 13 of the draft planning permission, which required the first 10,000 sq. m of floor space within the development to be occupied by Jaguar Land Rover.

Due to the short-term power constraints, Jaguar Land Rover had advised that they were only able to commission and occupy 8,500 sq. m of floor space within the timeframe dictated by the condition. Jaguar Land Rover had advised that they remained fully committed to taking significant additional floor space within the development, over and above this initial 8,500 sq. m, but due to the power constraints the initial occupation condition was problematic as currently worded.

A copy of the letter from the applicant setting out the reasoning behind their request was appended to the end of the report.

The officer was of the opinion that the proposals amounted to a relatively minor change to the threshold specified in the condition (a 15% reduction). As such, it would not represent a significant change in the effect of the condition. There were evidently short term power constraints which dictated that Jaguar Land Rover was unable to comply with the condition as currently worded. A failure to amend the condition as requested might jeopardise the implementation of the development and the substantial economic benefits that it would deliver. Therefore, it was considered that it would be appropriate for the condition to be amended as requested.

The Chairman reminded Members that the only matter for consideration was the variation to Condition 13, and advice received from the Council's Legal Advisor at the meeting confirmed this.

PLANNING COMMITTEE MINUTES (Continued)

An addendum circulated at the meeting outlined further comments and objections received, which included objections from three parish councils: Baginton, Bubbenhall and Stoneleigh and Ashow.

The following people addressed the Committee in objection to the proposal:

- Councillor Bush – Baginton Parish Council;
- Councillor Shattock – Bubbenhall Parish Council;
- Mr Ellwood; and
- Councillor Harrington – Ward Councillor.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Ashford and seconded by Councillor Gifford that the request to amend Condition 13 should be granted, with a similar change to the corresponding clause in the section 106 agreement.

The Committee therefore

Resolved that:

- (1) Condition 13 on application W/16/0239 be amended to read as follows:

“The first 8,500 square metres (GFA) of floorspace within the development shall be occupied by Jaguar Land Rover. No other buildings shall be occupied within the development until Jaguar Land Rover have fully occupied 8,500 square metres of B1 floorspace within the technology campus.”; and

- (2) a similar change to the corresponding clause in the section 106 agreement be made.

104. W/15/1704 – Haseley Manor, Haseley Business Centre, Hatton

The Committee considered an application from Spitfire Properties LLP for the conversion of Haseley Manor to 13 apartments; the demolition of Saxon House and Rossmore House and the erection of nine dwellings with associated parking, landscaping, access and a tennis court.

The application was presented to Committee because a number of objections had been received, including one from Hatton Parish Council.

The officer was of the opinion that a residential redevelopment would be acceptable in principle on this site and the proposed redevelopment scheme would comply with Green Belt policy. The proposals would preserve the character and appearance of the listed building and the locally listed garden. Furthermore, the proposals were considered to be acceptable in terms of drainage / flood risk, car parking / highway safety, impact on trees and ecological impact. Therefore, it was recommended that planning permission should be granted.

PLANNING COMMITTEE MINUTES (Continued)

The Development Manager informed Members that a Mr Atkinson, whose property was in close proximity to the application site, had provided details of flood incidents and these were read out to Members. The site was within a flood zone, but the least serious category. County Council's Flood officers had not raised any objections to the scheme but had proposed Condition 3 as laid out in the report to ensure that the development did not make the situation worse.

The following people addressed the Committee:

- Mrs Atkinson, in objection to the application;
- Ms Evans, in support of the application; and
- Councillor Gallagher – Ward Councillor who spoke about the problems faced by the Atkinsons in the past with flooding and the problems they would face during construction. She was permitted to circulate photographs that had previously been submitted earlier during the day.

In response to a question from Councillor Weed, the Legal Advisor confirmed that the Council could not impose a condition to resolve a pre-existing issue, i.e. the flood risk already in existence. The Development Manager confirmed this advice and stated that the proposals would not exacerbate the flood risk. Members were sympathetic to the problems faced by the owners of the Lodge in respect of flood incidents and possible problems faced during the construction phase of the application. They noted that the applicant, Spitfire Properties, did its level best to maintain a good reputation and was amenable to trying to help where possible.

Following consideration of the report, presentation, and the representations made at the meeting, it was proposed by Councillor Ashford and seconded by Councillor Mrs Bunker that the application should be granted with a note to the applicant requesting that they worked with the owners of the Lodge to address concerns on flooding and construction works.

The Committee therefore

Resolved that W/15/1704 be **granted** in accordance with the recommendations in the report, with a note to the applicant to work with the owners of the Lodge to address concerns on flooding and construction works, and subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
 - (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 1788/01L, 1788/02A, 1788/03, 1788/04, 1788/05A, 1788/06, 1788/07, 1788/08, 1788/09, 1788/10C, 1788/11B, 1788/12C, 1788/13B, 1788/14C,
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PLANNING COMMITTEE MINUTES (Continued)

1788/15C, 1788/16C, 1788/17C, 1788/19, 1788/20, 1788/21, 1788/22, 1788/32C & 1788/49, and specification contained therein, submitted on 8 October 2015, 29 October 2015, 1 July 2016 & 7 November 2016.

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 take place until detailed surface and foul water drainage schemes for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted to and approved in writing by the Local Planning Authority (LPA) in consultation with Warwickshire County Council (WCC). The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

a. demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C753;

b. evidence that the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm has been limited to the QBAR runoff rates for all return periods;

c. demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in "Science Report SC030219 Rainfall Management for Developments";

d. demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the drainage system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods;

e. demonstrate the proposed allowance for exceedance flow and associated overland flow routing;

f. a foul water drainage scheme including evidence from Severn Trent Water (STW) that there is adequate capacity within their sewerage assets for this development and that STW are in agreement with the proposed foul

PLANNING COMMITTEE MINUTES (Continued)

water drainage scheme; and
g. provide a Maintenance Plan to the LPA giving details on how the entire surface water and foul water systems shall be maintained and managed after completion for the life time of the development. The name of the party responsible, including contact name and details, for the maintenance of all features within the communal areas on site (outside of individual plot boundaries) shall be provided to the LPA.

Reason: To ensure satisfactory provision is made for the disposal of storm water and foul sewage and to satisfy Policies DP9 and DP11 of the Warwick District Local Plan 1996-2011;

- (4) samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any construction works are commenced. Development shall be carried out in accordance with the approved details. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;
 - (5) 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:** For the avoidance of doubt, and to ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011;
 - (6) no development or other operations (including demolition, site clearance or other preparatory works) shall be commenced unless and until adequate steps, which shall have been previously approved in writing by the local planning authority, have been taken to safeguard against damage or injury during construction works (in accordance with Clause 7 of British Standard BS5837 – 2012 Trees in Relation to Design, Demolition & Construction)
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PLANNING COMMITTEE MINUTES (Continued)

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

- (7) the development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings, fences and gates; footpaths; and hard surfacing which shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the dwellings hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent
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PLANNING COMMITTEE MINUTES (Continued)

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 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;

- (8) prior to development commencing full details of the provision of a footway from the south-eastern side of the site to the existing public highway footway shall be submitted to and approved in writing by the Council. No building shall be occupied until the footway has been laid out in accordance with the approved details. **Reason:** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;

- (9) notwithstanding the plans submitted, no development shall commence until full details of the provision of the manoeuvring and service areas, including surfacing, swept path analysis and levels have been submitted to and approved in writing by the Council. No building shall be occupied until the areas have been laid out in accordance with the approved details. Such areas shall be permanently retained for the purpose of manoeuvring of vehicles. **Reason:** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan;

- (10) the development and demolition hereby permitted shall not commence or continue unless a turning area has been provided within the site so as to enable general site traffic and construction vehicles to leave and re-enter the public highway in a forward gear. The turning area shall be retained for the duration of construction works. **Reason:** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan;

- (11) 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
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PLANNING COMMITTEE MINUTES (Continued)

accordance with these approved details or any subsequently approved amendments.

Reason: To ensure sufficient information is submitted to demonstrate a satisfactory relationship between the proposed development and adjacent land and buildings in the interests of amenity in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011;

- (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. No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit 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 not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the District Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as water bodies, native species planting, wildflower grasslands, woodland creation/enhancement and provision of habitat for protected species. Such approved measures shall thereafter be implemented in full. **Reason:** To ensure adequate compensation for any loss of biodiversity, in accordance with the National Planning Policy Framework;

- (14) no development shall commence until a
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PLANNING COMMITTEE MINUTES (Continued)

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;

- (15) the development hereby permitted shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the local planning authority. In discharging this condition the local planning authority expect to see details concerning pre-commencement checks for protected and notable species with subsequent mitigation as deemed appropriate. In addition it should include appropriate working practices and safeguards for other wildlife, dependent on further survey work, that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full. **Reason:** To ensure that protected species are not harmed
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PLANNING COMMITTEE MINUTES (Continued)

by the development in accordance with Policy DAP3 of the Warwick District Local Plan;

- (16) no development shall take place within the application site, unless and until a programme of archaeological works and investigations has been secured and initiated in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. **Reason:** In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected were applicable, before development commences in accordance with Policy DP4 of the Warwick District Local Plan 1996-2011;
- (17) prior to commencement of the development hereby permitted further drawings showing the new walls to the utility, cloaks and bathrooms at not full height shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details. **Reason:** To ensure an appropriate standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011;
- (18) all features of architectural detailing, fireplaces and doors shall be retained in situ unless shown as to be removed on the approved drawings. If any historic doors are to be removed they shall be reused elsewhere in the building in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development hereby permitted. Details will also be required of how historic doors will be upgraded to meet fire regulations (if necessary). **Reason:** To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011;
- (19) the existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any tree(s) or shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, in the opinion of the local planning authority, seriously damaged or defective,

PLANNING COMMITTEE MINUTES (Continued)

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 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;

- (20) the development shall not be commenced 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 metres and 'y' distances of 160.0 metres 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 0.9 metres above the level of the public highway carriageway. **Reason:** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;
- (21) the dwellings 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:** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;
- (22) the development and demolition hereby permitted shall not commence or continue unless measures are in place to prevent/minimise the spread of extraneous material onto the public highway by the wheels of vehicles using the site and to clean the public highway of such material. **Reason:** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;
- (23) the development hereby permitted shall not be occupied until the applicant has provided sustainability packs for each household.

PLANNING COMMITTEE MINUTES (Continued)

Reason: To encourage occupiers to travel sustainably in accordance with Policy SC12 of the Warwick District Plan 1996 – 2011;

- (24) access for vehicles to the site from the public highway (Birmingham Road A4177) shall not be made other than at the position identified on the approved drawing, number 1788-02 Rev A, providing an access no less than 5.0 metres wide for a distance of 30.0 metres into the site, as measured from the near edge of the public highway carriageway. **Reason:** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan;
- (25) no gates shall be erected at the entrance to the site for vehicles until full operating details, including method of access/egress, have been submitted to and approved in writing by the Council. Such gates shall be located, hung and operated in accordance with Drawing No. 1788-02 Rev A and the details approved under this condition. **Reason:** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan;
- (26) none of the apartments hereby permitted shall be occupied unless and until bin and cycle stores have been constructed in strict accordance with details that shall have been submitted to and approved in writing by the local planning authority. The bin and cycle stores shall be retained at all times thereafter. **Reason:** To protect the amenities of occupiers of the site and the character and appearance of the locality, in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011; and
- (27) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no further development shall take place within the curtilage of any dwelling house hereby permitted. **Reason:** That having regard to the location of the proposed dwellings within the Green Belt as well as within the curtilage of a grade II listed building, it is important to ensure that no further development is carried out which would detract from the openness of the Green Belt or the setting of the listed building, in accordance with Policies DP1 and
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PLANNING COMMITTEE MINUTES (Continued)

DAP4 of the Warwick District Local Plan 1996-2011.

105. W/16/1139 – Talisman Square, Warwick Road, Kenilworth

The Committee considered an application from Cobalt Estates (Kenilworth) Limited for a mixed use development comprising of 1533 square metres of retail floor space at ground floor and 65 residential units (mix of cluster flats and studio rooms).

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

The officer was of the opinion that the proposed mixed retail and residential development of this site was considered to be acceptable in principle and in accordance with Local Plan policies. The proposals would not create a harmful concentration of student accommodation / HMOs in this area and the proposals would have an acceptable impact on the living conditions of neighbouring dwellings. Furthermore, the proposals would provide a satisfactory living environment for future occupants and would have an acceptable impact on the character and appearance of the area. Finally, the proposals were considered to be acceptable in terms of car parking and highway safety. Therefore, it was recommended that planning permission should be granted.

An addendum circulated at the meeting stated that:

- Condition 12 had been amended to include a reference to “higher” education so that university students would comply with the terms of the condition.
- The proposed section 106 contributions had been amended slightly to account for the loss of one unit, and details of the revised contributions were given.
- Two further objections had been received.

The following people addressed the Committee:

- Mr Carter, in objection to the application; and
- Mr Waring, representing the applicant.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Ashford and seconded by Councillor Gifford that the application should be granted with an additional condition advising that HGVs had to access the site via the Abbey End access to ensure smooth flow of traffic. The applicant had indicated that a traffic management condition was acceptable.

The Committee therefore

Resolved that W/16/1139 be **granted** in accordance with the recommendations in the report, subject to conditions and subject to the receipt of a Section 106 Agreement or Unilateral Undertaking to secure the contributions and parking restrictions as referred to in

PLANNING COMMITTEE MINUTES (Continued)

the report. Should a satisfactory Section 106 Agreement or Unilateral Undertaking not have been completed by 20 December 2016, authority is delegated 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.

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 and approved drawing(s) 0133-P207-A, 0133-P208-D, 0133-P209-C, 0133-P210-B, 0133-P211-B, 0133-P212-B, 0133-P213-B, 0133-P214-B, 0133-P215-B, 0133-P216-D & 0133-P223, and specification contained therein, submitted on 21 June 2016, 7 November 2016, 18 November 2016 and 22 November 2016. **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) 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. No part of the development shall be first occupied until the works within the

PLANNING COMMITTEE MINUTES (Continued)

approved scheme have been completed for that particular part of the development 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;

- (5) no development shall commence until details of surface and foul water drainage have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with such approved details. **Reason:** To ensure that adequate drainage facilities are available and to minimise flood risk, in accordance with the National Planning Policy Framework and Policy DP11 of the Warwick District Local Plan 1996-2011;

- (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 or any subsequently approved amendments.

Reason: To ensure sufficient information is submitted to demonstrate a satisfactory relationship between the proposed development and adjacent land and buildings in the interests of amenity in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011;

- (7) no development shall commence until details of obscure glazing for the angled window bays 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. Prior to the occupation of the residential accommodation hereby permitted, any parts of the angled bay windows that are shown to be obscure glazed in the details approved under this condition shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from

PLANNING COMMITTEE MINUTES (Continued)

view and shall be non-opening. The obscured glazed window shall be retained and maintained in that condition at all times. **Reason:** To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011;

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

- (9) 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.

PLANNING COMMITTEE MINUTES (Continued)

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;

(10) 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;

(11) no part of the residential accommodation hereby permitted shall be occupied unless and until the bin and cycle stores have been constructed in strict accordance with the approved plans. The bin and cycle stores shall be retained at all times thereafter. **Reason:** To protect the amenities of occupiers of the site and the character and appearance of the locality and to ensure that there are adequate cycle parking facilities to serve the development, in accordance with Policies DP1, DP2 and DP8 of the Warwick District Local Plan 1996-2011;

(12) the residential accommodation hereby permitted shall be used solely as a student hall of residence, and ancillary purposes thereto, being occupied solely by persons enrolled in a full time course of further/higher education. **Reason:** The parking provision may not be sufficient for a conventional residential development, in accordance with Policy DP8 of the Warwick District Local Plan;

PLANNING COMMITTEE MINUTES (Continued)

(13) the residential accommodation hereby permitted shall not be occupied unless and until a Management Plan has been submitted to and approved in writing by the District Planning Authority. The Management Plan shall cover the following:

- warden supervision arrangements;
- building and site access and egress arrangements;
- traffic management including drop off and pick up arrangements;
- CCTV provision and security;
- green travel proposals including cycle parking provision and management;
- waste facilities provision and management; and
- a strict code of behaviour.

The approved Management Plan shall be implemented in full at all times that the premises are occupied as a student hall of residence.

Reason: To protect the amenities of occupiers of the site and the character and appearance of the locality, in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

(14) the development hereby permitted shall not be occupied 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;

(15) no deliveries (incoming or leaving) or noisy external activities likely to cause nuisance to nearby residences shall take place before 0730 hours or after 2130 hours on Mondays to Saturdays or before 0900 hours or after 1800 hours on Sundays. **Reason:** To protect the living conditions of nearby dwellings, in accordance with Policies DP2 and DP9 of the Warwick District Local Plan; and

PLANNING COMMITTEE MINUTES (Continued)

- (16) HGVs must travel via the Abbey End access to ensure a smooth flow of traffic.

During discussions on this application, the public address system malfunctioned and service was not resumed until after the meeting re-commenced following the short adjournment.

The meeting was adjourned at 8.25pm and resumed at 8.38pm.

106. W/16/1204 - 79 Bedford Street, Royal Leamington Spa

The Committee considered an application from Mr Smith for the demolition of an existing nightclub and the erection of a four storey building containing eight multiple occupancy apartments.

The application was presented to Committee because five representations in support of the proposals had been received and the recommendation was for refusal.

The officer was of the opinion that the proposals would cause unacceptable harm to the character and appearance of the conservation area and to the setting of the adjacent listed buildings. Furthermore, the proposals would cause unacceptable harm to the living conditions of the residential accommodation at No. 138 Parade and would not provide a satisfactory living environment for future occupants of the proposed development. In addition, the proposals failed to make adequate provision for cycle parking or for the storage of refuse and recycling. Therefore, it was recommended that planning permission should be refused.

An addendum circulated at the meeting stated that amended plans had been submitted which included enlarged bin and cycle stores. This had addressed the fifth and sixth reasons for refusal; therefore, it was now recommended that planning permission should be refused for reasons 1 to 4 as stated in the report.

Mr Smith, the applicant, addressed the Committee.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Heath and seconded by Councillor Mrs Stevens that the application should be granted contrary to the recommendations in the report. Officers were authorised to draw up the list of conditions.

The Committee therefore

Resolved that W/16/1204 be **granted** contrary to the recommendation in the report for the following reasons and subject to conditions to be drawn up by officers :

- (1) the proposals will improve the street scene;
- (2) it would provide purpose built student accommodation in the town centre;

PLANNING COMMITTEE MINUTES (Continued)

- (3) it would help regenerate the area with the custom to local businesses students would provide;
- (4) Members did not agree with the officers' assessment of the proposals; and
- (5) the proposals were an improvement on the current use of the building as a night club.

107. W/16/1341 – Land at Bosworth Close, Baginton

The Committee considered an application from Baginton Green Limited for the provision of a free school together with two multi-use games areas; primary and secondary school outdoor place space; 28 parking spaces; landscaping and security fencing.

The application was presented to Committee because five or more representations in support of the proposals had been received and the application was recommended for refusal.

The officer was of the opinion that the proposals represented inappropriate development within the Green Belt and would cause a significant reduction in the openness of the Green Belt. The very special circumstances that had been cited by the applicant were not sufficient to outweigh the conflict with Green Belt policy or the harm to the openness of the Green Belt. Therefore, it was recommended that planning permission should be refused

The following people addressed the Committee in support of the application:

- Councillor Keightley from Baginton Parish Council; and
- Mr Frampton.

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

The Committee therefore

Resolved that W/16/1341 be **refused** in accordance with the reasons stated in the report:

- (1) The site is situated within the Green Belt to the west of the village of Baginton. Paragraph 89 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt, with certain exceptions. The erection of a new school does not fall under any of these exceptions and therefore the proposals constitute inappropriate development within the Green Belt. Paragraph 87 of the NPPF states that inappropriate development is, by
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PLANNING COMMITTEE MINUTES (Continued)

definition, harmful to the Green Belt and should not be approved except in very special circumstances.

The proposals would introduce a substantial building onto a site that currently has no buildings and consequently would result in a significant reduction in the openness of this part of the Green Belt. The proposals would represent a significant urban encroachment into the countryside, undermining the objectives of Green Belt policy. In the opinion of the local planning authority, the very special circumstances that have been cited by the applicant are not sufficient to outweigh the conflict with Green Belt policy or the harm to the openness of the Green Belt.

The proposals are therefore considered to be contrary to the aforementioned policies.

108. W/16/1744 – Land Adjacent to 19 Pickard Street, Warwick

The Committee considered an application from Mr Whitfield for the proposed erection of one dwelling.

The application was presented to Committee because of the number of objections that had been received, including one from Warwick Town Council.

The officer was of the opinion that the proposed four bedroom dwelling would provide additional housing and was considered to be of an acceptable design. Sufficient off street parking had been provided and it was considered that there would be no harm to the living conditions of the occupiers of neighbouring properties, or highway safety which would warrant reason for refusal of the application. It was therefore recommended that the application should be approved.

An addendum circulated at the meeting stated that the two storey wing had been removed from the scheme owing to concern regarding conflict with the 45 degree rule from a first floor rear facing window serving 19 Pickard Street. The drawings had been amended accordingly.

The following people addressed the Committee in objection to the application:

- Ms Wellings; and
- Councillor Murphy – Ward Councillor.

Members felt that to address concerns of the windows overhanging the highway when opened, the applicant should be requested to consider installing sash windows in line with other houses in the area.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was

PLANNING COMMITTEE MINUTES (Continued)

proposed by Councillor Day and seconded by Councillor Ashford that the application should be granted with a note to the applicant to consider installing sash windows.

The Committee therefore

Resolved that W/16/1744 be **granted** in accordance with the recommendations in the report and a note to the applicant to consider installing sash windows, 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 5155 / 03 A and 5155 04 A, and specification contained therein, submitted on 9th November 2016. **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 part of the development hereby permitted shall be commenced until a scheme for the provision of bat and bird boxes to be erected on buildings within the site, has been

PLANNING COMMITTEE MINUTES (Continued)

submitted to and approved in writing by the District Planning Authority. The scheme to include details of box type, location and timing of works. Thereafter, the boxes shall be installed and maintained in perpetuity.

Reason: In accordance with NPPF, ODPM Circular 2005/06;

- (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) no development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority and Local Highway Authority. The Construction Management Plan must include details to prevent mud and debris being passed onto the highway; wheel washing facilities; vehicle routing plan; and parking and loading/unloading of staff/construction/delivery vehicles. The Development shall be carried out in strict accordance with the approved Construction Management Plan. **Reason:** To ensure that adequate manoeuvring and parking space is available to serve the development in the interests of traffic safety in accordance with Policy DP8 of the Warwick District Local Plan 1996-2011;

- (7) 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

PLANNING COMMITTEE MINUTES (Continued)

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;

- (8) the proposed site shall be laid out and constructed in general accordance with drawing no. 5155/03 A. **Reason:** To ensure that there are adequate off street parking provision is made for the development hereby permitted, in accordance with Policy DP8 in the Local Plan and the Council's adopted Supplementary Planning Document on Vehicle Parking Standards;
- (9) the access to the site for vehicles shall not be used unless the public highway footway crossing has been widened, laid out and constructed in accordance with the standard specification of the Highway Authority. **Reason:** In the interests of highway safety and to satisfy Policy DP6 in the Warwick District Local Plan 1996-2011;
- (10) the access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a bound material for its whole length as measured from the near edge of the public highway carriageway. **Reason:** In the interests of highway safety and to satisfy Policy DP6 in the Warwick District Local Plan 1996-2011; and
- (11) 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 further development shall take place within the curtilage of the dwelling house hereby permitted which falls within Part 1 Classes A, B, D, or E or Part 3, Class L. **Reason:** That due to the restricted nature of the application site and its relationship with adjoining properties and to ensure that adequate parking is maintained at all times it is considered important to ensure that no additional development is carried out without the permission of the local planning authority in accordance with Policies DP1, DP2 and DP6 of the Warwick District Local Plan 1996-2011.

PLANNING COMMITTEE MINUTES (Continued)

109. W/16/1740 – Victoria Lodge Hotel, 180 Warwick Road, Kenilworth

The Committee considered an application from Mr Currie for a change of use from a guest house to an 11 bedroom HMO (sui generis).

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

The officer was of the opinion that the proposal was considered to be in accordance with the requirements of Policies DP1, DP2, DP3, DP8, DAP8 and DAP9 of the Warwick District Local Plan 1996-2011; Policy H6 of the emerging Warwick District Local Plan 2011 - 2029 and the provisions of the National Planning Policy Framework. The proposed use was considered to be in accordance with the requirements of National and Local planning policy. Furthermore, it was contended that it would not adversely impact upon the character and appearance of the Conservation Area, the amenities of neighbouring properties or that it would give rise to any highway safety concerns.

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

The Committee therefore

Resolved that W/16/1740 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 in strict accordance with the details shown on the plans entitled 'Site Plan/Block Plan' and the Existing Floor Plans received by the Local Planning Authority on 27th September 2016, and the Proposed Floor Plans, received on 22nd November 2016. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1, DP2, DP3, DAP8 and DAP9 of the Warwick District Local Plan 1996-2011;
- (3) the development hereby permitted shall not commence unless or until a scheme for the provision or improvement of open space (identifying the size/extent, location and specification of the space and works) has been submitted to and approved in writing by the

PLANNING COMMITTEE MINUTES (Continued)

Local Planning Authority. The development 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 parking spaces shown on the Proposed Ground Floor Plan, received on 22nd November 2016, shall be marked out as shown on that plan before the development hereby approved is first occupied. Those spaces shall thereafter be retained at all times solely for the parking of vehicles in conjunction with the approved HMO, and the associated turning areas and access serving the site shall be retained at all times solely for the associated 'on-site' turning of vehicles and to allow those vehicles access to and from the site. **Reason:** To ensure the provision of adequate off-street car parking facilities in the interests of highway safety in accordance with Policy DP8 of the Warwick District Local Plan 1996-2011; and
- (5) 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.

110. Appeals Report

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

Resolved that the report be noted.

(The meeting ended at 10.00pm)

Planning Committee: 10 January 2017

Item Number: 5

Application No: [W/16/0835](#)

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

Registration Date: 24/11/16
Expiry Date: 19/01/17

7E Clarendon Avenue, Leamington Spa, CV32 4SG

Change of use from a dwellinghouse (Use Class C3) to a three bedroom House in Multiple Occupation (Use Class C4). (Retrospective Application). FOR Tara & Co.

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The application seeks to regularise a change of use from a two bedroomed apartment (Use Class C3) to a three bedroomed HMO (Use Class C4).

THE SITE AND ITS LOCATION

The application relates to a two bedroom flat which forms part of a converted Grade II listed former hotel. The site is positioned to the north of Clarendon Avenue and east of Kenilworth Road, on a corner plot to the north of the Town Centre. The application site is also located within the Royal Leamington Spa Conservation Area.

PLANNING HISTORY

There is no relevant planning history relating to this site.

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)

- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DAP4 - Protection of Listed 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)
- BE2 - Developing Strategic Housing Sites (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)
- 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)
- H6 - Houses in Multiple Occupation and Student Accommodation (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: Objection withdrawn.

Private Sector Housing: No objection in principle, minimum bedroom size needs to be 6.5sqm.

Waste Management: No objection, adequate waste storage is provided.

WCC Highways: No objection.

Public Response: 5 objections have been received on the following grounds:

- The surrounding area already has an over saturation of HMO properties, which exceeds 10% limit;
- There will be an increase in antisocial behaviour
- The development will increase footfall;
- The development will exacerbate parking issues;
- The property is not suitable for conversion;
- Noise disturbance;
- Littering.

ASSESSMENT

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

- Principle of the Development - whether the proposals would cause or add to a harmful over-concentration of HMO accommodation in this area

- Living conditions of the occupiers
- Car parking and highway safety
- Impact on Heritage Assets
- Sustainability
- Health and Wellbeing

Principle of the Development - whether the proposals would cause a harmful over-concentration of HMO accommodation in this area

There have been objections from members of the public which include the following concerns: the surrounding area already has an over saturation of HMO properties, which exceeds the 10% limit; the HMO will cause noise disturbance; potential for increased littering; there will be an increase in antisocial behaviour and the development will increase footfall.

The site is located within a Primarily Residential Area as identified on the proposal map of the adopted local plan and forms part of a block of flats, therefore a HMO in this particular location is generally acceptable.

Emerging Local Plan Policy H6 for Houses in Multiple Occupation states that planning permission will only be granted for Houses in Multiple Occupation, including student accommodation, 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.

Exceptions to a) may be made where the application site is located on a main thorough fare in a mixed use area where the proposal would not lead to an increase in activity along nearby residential streets (for example, by way of pedestrian movements between the application site and the town centre or car parking). In recent appeal decisions, Inspectors have given this policy weight.

The percentage of HMOs within a 100 metre radius of the application site is currently 16%. However, the site is located on a main thorough fare in a mixed use area (the property is located primarily next to residential accommodation, however, the site is also located within 70 metres of the Parade which benefits from a wide mixture of uses, such as retail, restaurant and cafe and professional services). It is highly unlikely that there would be an increase in activity along nearby residential streets in terms of pedestrian movements or car activity as all local amenities are located south of the site towards the town centre, which is accessed along main roads. Therefore, the development is considered to meet the exceptions to point 'a' of emerging Local Plan Policy H6.

The property also meets the other requirements of the policy in that it is located within 400 metres of a bus stop, does not lead to sandwiching of a non HMO property between two HMOs and does not lead to a continuous frontage of 3 or more HMOs. Waste Management have been consulted and consider that there is adequate waste storage provided on site and have no objection to the proposed change of use.

Whilst the comments by members of the public are acknowledged, as the proposed development conforms to emerging Local Plan policy H6 and it is considered that there is no material planning reason to refuse the development in principle.

Living conditions of occupiers

Private Sector Housing originally commented that the 3rd bedroom, shown on the original drawing was too small and would not satisfy the HMO regulations. The drawing has been amended and the layout now shows that the 3rd bedroom will have access to the study to provide the additional space which the Private Housing Sector requires. Comments in relation to the licensing matters are not a material planning consideration and cannot be assessed as part of the application.

Car parking and Highway Safety

Policy DP8 states that development will only be permitted that makes provision for parking and does not result in on-street car parking detrimental to highway safety. The Supplementary Planning Document (SPD) *Vehicle Parking Standards* sets out Warwick District Council's detailed parking standards for developments.

There have been objections from members of the public that the change of use will result in parking issues within the existing off street car park which serves the apartment block.

The original two bedroomed apartment required 1.5 spaces, however, there are no off street car parking spaces provided for the existing property. The Council's Vehicle Parking Standards requires 1.5 spaces for a three bedroomed HMO and therefore there would be no net increase in the requirement of spaces. It is also noted that WCC Highways have no objection to the proposal. It is considered that there would be no harm caused to vehicular or pedestrian safety as a result of the change of use.

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. Section 66 of the same Act imposes a duty to have special regard to the desirability of preserving a listed building or its setting when considering whether to grant a planning permission which affects a listed building or its setting.

Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great

weight should be given to the asset's conservation. 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 property is not suitable for conversion. However, no internal or external changes which require planning permission have been carried out to the property to facilitate the change of use, therefore it is considered that there would be no material harm to the listed building or Conservation Area as a result.

Sustainability

It is considered that the change of use from one type of residential use to another type of residential use will not have any additional demand on energy requirements and therefore there is no requirement for renewables in accordance with Policy DP13 and the associated SPD.

Health and Wellbeing

The development provides much needed accommodation.

CONCLUSION

The proposed addition of a HMO within this area adheres to the criteria set out within the Draft Local Plan 2011 - 2029 and more specifically Policy H6. There would be no additional harm to nearby uses or residents as a result of the proposal and there would be no increased need for off street parking. Adequate waste storage has been provided and therefore the application should be granted.

CONDITIONS

- 1 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved amended "floor plan", and specification contained therein, submitted on 20th December 2016. **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: 10 January 2017

Item Number: 6

Application No: [W/16/1314](#)

Town/Parish Council: Warwick

Case Officer:

Ian Lunn

01926 456527 ian.lunn@warwickdc.gov.uk

Registration Date: 18/07/16

Expiry Date: 12/09/16

16 Old Square, Warwick, CV34 4RA

Change of use of former government offices to public house with letting rooms (Class A4 and Class C1); internal and external alterations to building including demolition of ancillary store and outbuildings; single storey rear extension and erection of pergola. FOR The City Pub Company PLC

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

Planning permission is sought to convert the basement and ground floor of the premises to a Public House and the first and second floors to a 10 bedroomed hotel. The conversion works involve both internal and external alterations which include the demolition of a shed, toilet, shelter and store located within the rear yard, their replacement with a new single storey extension and a pergola, and alterations to the gated opening onto Old Square.

A parallel Listed Building Application (W/16/1315 LB) has also been submitted in respect of the proposed conversion works. This will be considered separately.

THE SITE AND ITS LOCATION

16 Old Square is a three storey Grade II listed building. It lies due north of the junction of Old Square and New Street within Warwick Town Centre and the Warwick Conservation Area. The building is currently vacant but was last used as offices by Warwickshire County Council (Use Class B1).

PLANNING HISTORY

None relevant

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)
- TCP1 - Protecting and Enhancing the Town Centres (Warwick District Local Plan 1996 - 2011)
- TCP6 - Cafe Quarters (Warwick District Local Plan 1996 - 2011)
- TCP9 - Protecting Employment Land and Buildings (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)
- The Emerging Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- 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)
- TC1 - Protecting and Enhancing the Town Centres (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TC12 - Protecting Town Centre Employment Land and Buildings (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CT1 - Directing New Tourism, Leisure and Cultural Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CT2 - Directing New or Extended Visitor Accommodation (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- Guidance Documents
- Vehicle Parking Standards (Supplementary Planning Document)
- Sustainable Buildings (Supplementary Planning Document - December 2008)

SUMMARY OF REPRESENTATIONS

Warwick Town Council: Support the proposal

WCC Ecology: Have requested photographs of the roof of the building in order to be able to comment further on the proposals.

WCC Highways: No objection, subject to conditions

WCC Archaeological Services: No objection, subject to conditions

WDC Health and Community Protection - Environmental Sustainability Section: No objection, subject to conditions.

Public Response: Seven letters of objection have been received on the following grounds:

a) that the proposals would give rise to highway safety concerns. The building lacks any dedicated 'off-street' parking facilities and a dedicated delivery point. Consequently, customers, delivery vehicles, and taxis picking up and dropping off people, would be forced to park on Market Place, a 'one way' street. This would inhibit the safe and free flow of other vehicles using that highway.

b) that the proposals would cause undue disturbance, by reason of noise, odour and cigarette smoke for the occupiers of neighbouring residential properties. Suitable mitigation measures could not reasonably be put in place to prevent such problems occurring as this is a listed building,

c) that despite the applicants' claim it is likely that alterations will ultimately need to be made to the facade of the building, for example in the form of new signage,

d) that an approval of these proposals would lead to an increase in crime in the area,

e) that some of the information submitted with this application is incorrect as the building has not previously been used as a pub,

f) that there is no need for additional food and drink establishments in the town, and an approval of this proposal will change the dynamic of the area,

g) that there was interest in continuing to use this building as offices and in converting it to residential use both of which would have been more appropriate,

h) that the Warwick Mop Fair would be unable to set up as it normally does if this building was to be used as now proposed.

The applicants' agent has also submitted a letter in support of their proposals in which they state:-

a) that pubs and hotels are appropriate uses to locate in the Town Centre,

b) that the proposals will retain the character of this listed building,

c) that the proposed uses will generate fewer vehicular movements to and from the premises than the former offices,

d) that parking for the hotel can be reasonably accommodated within nearby car parks since the demand will be at night. Other hotels in the Town Centre also lack any associated 'off street' parking facilities,

e) that the development will not adversely affect local residents as the building is predominantly surrounded by other commercial uses and suitable odour control measures are to be undertaken as part of the proposals,

f) that the presence of other A4 drinking establishments in the Town Centre is not a reason for opposing the creation of a further similar use.

The main issues to consider when deciding this application are:-

- Principle
- Design/Scale/Effect on Listed Building/Conservation Area
- Impact on amenity of occupiers of neighbouring premises
- Parking/ Highway Safety
- Renewables
- Other Issues

Assessment

Principle

Given the nature of the proposals and the location of this site it is considered that the scheme needs to be considered initially against the requirements of Policies TCP1, TCP6 and TCP9 of the Local Plan, Policies TC1, TC12, CT1 and CT2 of the emerging Local Plan and Section 2 of the National Planning Policy Framework. It is considered that it will meet the requirements of these for the reasons given below:-

- a) the proposals are considered to be sustainable involving the re-use of an existing building that is located within Warwick Town Centre,
- b) the building is located within the Town Centre and within an identified 'Cafe Quarter' where drinking establishments and hotels are normally viewed as acceptable, and
- c) Policy CT2 of the emerging Local Plan seeks to direct new visitor accommodation to town centre locations.

The building is also located within an identified 'Town Centre Employment Area' where there is a presumption against proposals that would lead to the loss of existing B1, B2, B8 employment uses. However, it is considered that a refusal of these proposals on these grounds could not reasonably be sustained in this instance because:-

- a) the site is identified as falling within the 'Cafe Quarter' in the adopted Local Plan which carries greater weight than the emerging plan,
- b) the building appears to be no longer suitable for use for offices, and
- c) an approval would enable an attractive listed building, which significantly contributes to the appearance of the Town Centre, to be brought back into productive use.

In view of the above it is considered that the proposed uses are acceptable in planning policy terms.

Design/Scale/Effect on Listed Building and surrounding 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 asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The proposed works are largely considered to be acceptable preserving and enhancing the character and appearance of the host listed building and that of the surrounding Conservation Area. The buildings to be demolished occupy secluded positions to the rear of the building and are not considered to be of any particular architectural merit in themselves; the new pergola will also occupy a secluded position and will be an 'open' structure sited away from the main body of the building; a condition can reasonably be imposed requiring that suitably designed gates are installed within the newly widened gated access. The 'Customer Seating' extension will be a single storey structure that will also occupy a secluded position within the rear yard; the flat roof will be hidden by a parapet and a lantern is to be introduced to give it some interest; the external walls are to be constructed of matching brick; and a condition can reasonably be imposed requiring that a more appropriate treatment than bi-folding doors is used. In view of this it is considered that, subject to the imposition of appropriate conditions, this element of the proposal should also be accepted.

The proposals will lead to a slight net increase in the size of the building. Nevertheless the development is considered to be acceptable in terms of scale.

Amenity

It is considered that the converted building will not unduly affect the level of light currently received by neighbouring properties. This is because of the relatively limited scale of the conversion works and their proposed location within the rear yard of the premises. It is not envisaged that the proposals will give rise to unacceptable overlooking of neighbouring premises either over and above any that may have previously been occurring.

The proposed Public House use has the potential to generate undue noise and/or odour and this has led to concerns from other occupiers/residents nearby. However, whilst accepting that people do reside within the Town Centre this is, by its very nature, an area where commercial uses predominate and it is also an area where residents could reasonably expect to experience a degree of late night noise. Furthermore, it is considered that, despite being a listed building, a suitable means of extracting fumes and odour from the premises could reasonably be achieved and a condition to secure this is therefore recommended. In view of the above, and as the Council's Health and Community Protection - Environmental Sustainability Section raise no objections to the proposals subject to conditions, it is considered that a refusal of the

development on noise nuisance or odour grounds could not reasonably be sustained in this instance despite concerns to the contrary.

Parking/Highway Safety

A development of this nature would normally require the provision of seventeen 'off street' car parking spaces in order to meet the Council's adopted parking standards. This building does not, however, currently benefit from any 'off street' parking facilities and none could reasonably be provided in this instance. However, the building occupies a sustainable location within the Town Centre. Furthermore there are public car parks nearby (the nearest being on New Street) which are likely to have spare capacity in the evenings where visitors to the pub and/or hotel could reasonably park. The proposals have been fully assessed by the Highway Authority who consider that they should not give rise to any undue highway safety concerns provided that suitable controls are put in place whilst the conversion works are underway, and deliveries are controlled once the business is in operation. Subject to the imposition of conditions to this nature it is considered that the proposals should not give rise to any undue highway safety issues despite concerns to the contrary.

Renewables

The proposal will result in a material increase in the energy requirement of the building which would normally require the provision of renewables. However, given the Listed Building status of the proposal and the site specific constraints it is considered that a sensitive scheme would not be possible. Therefore to protect the character and appearance of the Listed Building it is considered appropriate not to require the provision of renewables in accordance with Policy DP13 and the associated SPD in this case.

Other Issues

The concerns expressed by the objectors to these proposals have been carefully considered. However, they are not considered to raise issues that are sufficient to justify a reason for refusal in this case:-

a) it is not proposed to alter the attractive facade of this building as part of this proposal. Any subsequent applications for signage should they be received would be considered in the usual way and the Local Planning Authority would be able to refuse them if it considered that the proposals would be harmful to the character of the building.

b) it is not envisaged that this proposal will lead to any significant crime issues. Access to the building will be from Old Square which is a well lit public highway.

c) it is considered that sufficient accurate information has been submitted with this application to enable the implications of the proposals to be properly judged. Concerns about the premises having not previously been used as a pub are not relevant to the consideration of the scheme.

d) the applicants do not need to demonstrate a need for this development in this instance.

e) it is not envisaged that a pub and hotel in this location will significantly change the dynamic of the Town Centre.

f) a planning application cannot be refused on the grounds that there may be other more suitable uses for the building or that the development may affect the future layout of Warwick Mop Fair.

Summary/Conclusion

The proposals are considered to be in accordance with the requirements of Policies DP1, DP2, DP3, DP6, DP8, DP9, DAP4, DAP5, DAP7, DAP8, TCP1, TCP6 and TCP9 of the Warwick District Local Plan 1996-2011; Policies BE1, BE3, TR1, TR4, HE1, HE2, TC1, TC12, CT1 and CT2 of the emerging Warwick District Local Plan 2011 - 2029 and the provisions of the National Planning Policy Framework. The proposed uses are considered to be in accordance with the requirements of adopted National and Local planning policy and it is contended that the proposed conversion works will reasonably preserve and enhance the appearance of this listed building and the Conservation Area in which it is located. In addition the proposals should not adversely impact upon the amenities of neighbouring premises or give rise to any undue highway safety concerns.

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 Location Plan and drawing numbers 2977-P-01; 2977-P-02; 2977-P-05 and 2977-20, received by the Local Planning Authority on 18th July 2016; drawing number 2977-P-11 Rev C, received on 10th October 2016; and drawing numbers 2977-10 and 2977-21, received on 27th October 2016, except as required by other conditions below. This approval shall not relate to any of the details shown on drawing numbers CPF8208-01 and CPF8202-02. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1, DP2, DP3, DP6, DP8, DP9, DAP4, DAP5, DAP7, DAP8, TCP1 and TCP6 of the Warwick District Local Plan 1996-2011.
- 3 Full details of the design and position of any new doors and windows to be installed within the building (including cross-sections at a scale of 1:5) shall be submitted to, and approved in writing by, the Local Planning Authority before they are first installed. The details shall show them constructed of timber with a painted finish. The approved windows and doors shall be installed in the approved positions and shall thereafter be satisfactorily retained at all times. **REASON:** To preserve the character of the host listed building and the surrounding Conservation Area in accordance with Policies DP1, DAP4, DAP5, DAP7 and DAP8 of the Warwick District Local Plan 1996-2011 and Sections 7, 11 and 12 of the National Planning Policy Framework.

- 4 Notwithstanding the details shown on the approved plans this approval shall not extend to the bi-folding doors proposed for the northern facing elevation of the 'Customer Seating' extension. Details of an alternative means of treating this elevation shall be submitted to, and approved in writing by, the Local Planning Authority before development commences. This elevation shall be constructed in accordance with the approved details and shall thereafter be satisfactorily retained as such at all times. **REASON:** To preserve the character of the host listed building and the surrounding Conservation Area in accordance with Policies DP1, DAP4, DAP5, DAP7 and DAP8 of the Warwick District Local Plan 1996-2011 and Sections 7, 11 and 12 of the National Planning Policy Framework.
- 5 Details of the design of the proposed new gates shall be submitted to and approved in writing by the Local Planning Authority before development commences. The approved gates shall open inwards only, shall be located in the position shown on the approved plan and shall thereafter be satisfactorily retained at all times. **REASON:** In the interests of highway safety and to preserve the character and setting of the host listed building and the surrounding Conservation Area in accordance with Policies DP1, DP6, DAP4, DAP5, DAP7 and DAP8 of the Warwick District Local Plan 1996-2011 and Sections 7, 11 and 12 of the National Planning Policy Framework.
- 6 The development hereby permitted shall incorporate measures for extracting cooking odours from the premises. Details of the measures proposed shall be submitted to, and approved in writing by, the Local Planning Authority before development commences. The approved measures shall be completed in accordance with the approved details before the uses hereby approved are commenced and shall thereafter be satisfactorily retained at all times. **REASON:** To ensure the satisfactory dispersal of odour and fumes, and to ensure that the works safeguard the character and appearance of the host listed building and the surrounding Conservation Area in accordance with Policies DP1, DP3, DP9, DAP4, DAP5, DAP7 and DAP8 of the Warwick District Local Plan 1996-2011.
- 7 The development hereby permitted shall not commence until details of the proposed measures for storing refuse from the development have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the approved measures have been implemented. Those measures shall thereafter be retained at all times that the development is in operation. **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 Policies DP1, DP3 DP9, DAP4, DAP5, DAP7 and DAP8 of the Warwick District Local Plan 1996-2011.
- 8 A programme of archaeological recording shall be secured and initiated in accordance with a written scheme of investigation and this shall be

submitted to the Local Planning Authority for its written approval before development commences. The approved scheme shall thereafter be implemented in accordance with the approved details. **REASON:** In order to ensure that anything of archaeological importance which helps to increase our understanding of the Districts historical development is recorded, preserved and protected in accordance with Policy DP4 of the Warwick District Local Plan 1996-2011.

- 9 The development hereby permitted shall not commence until construction and delivery management plans have been submitted to and approved in writing by the Local Planning Authority. The approved construction management plan shall be implemented in full during the construction of the development, and the delivery management plan shall be implemented in full at all times that the development is in operation. **REASON:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.
- 10 The bricks to be used in the construction of the external walls of the approved 'Customer Seating' extension shall match in type, colour, texture, and shall be laid in a manner to match, those used in the construction of the external walls of the host building. **REASON:** To preserve the character of the host listed building and the surrounding Conservation Area in accordance with Policies DP1, DP3, DAP4, DAP5, DAP7 and DAP8 of the Warwick District Local Plan 1996-2011 and Sections 7, 11 and 12 of the National Planning Policy Framework.
- 11 All new rainwater goods shall be constructed of cast iron and painted black. **REASON:** To preserve the character of the host listed building and the surrounding Conservation Area in accordance with Policies DP1, DAP4, DAP5, DAP7 and DAP8 of the Warwick District Local Plan 1996-2011 and Sections 7, 11 and 12 of the National Planning Policy Framework.
- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015, or any legislation subsequently superseding that Order, the premises shall not be used for any purpose within Classes A1 or A2 as defined by the Town and Country Planning (Used Classes) Order 1987 (as amended). **REASON:** To ensure that the development complies with the requirements of Policy TCP6 of the Warwick District Local Plan 1996-2011.

Planning Committee: 10 January 2017

Item Number: 7

Application No: [W/16/1659](#)

Town/Parish Council: Warwick

Case Officer:

Reddy Nallamilli

01926 456521 reddy.nallamilli@warwickdc.gov.uk

Registration Date: 04/10/16

Expiry Date: 29/11/16

32 Yardley Close, Woodloes Park, Warwick, CV34 5EX

Erection of two storey side/rear extension and single storey rear extension FOR
Mr & Mrs Davies

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

Erection of a single storey rear extension to form a kitchen and dining room, projecting 3m with a width of 6.9m. Erection of a two storey side extension to form a new garage/W.C. with two bedrooms over with a length of 11m and a pitched roof. Solar panels would be added to the roof.

A new retaining wall is to be provided to segregate the existing planting from the driveway and would replace an existing dwarf wall.

THE SITE AND ITS LOCATION

The application property is a two storey dwelling house located at the end of a cul-de sac within a predominantly residential area. Whilst the property faces towards Yardley Close, the gable end faces towards Primrose Hill and is screened by a mature row of conifer trees.

PLANNING HISTORY

W/12/0233 - Erection of two storey extension to side and single storey extension to rear plus the installation of a front bay window (Revised scheme for previous application W11/1266) - Refused for the following reason:

The proposal would be out of keeping with the application property and other properties within the street in terms of scale, resulting in an extension which is twice the width of the original dwelling. The proposal would not be seen as a subservient addition to the house contrary to the Residential Design Guide SPG and would have an unacceptable detrimental impact on the street scene of Yardley Close and Primrose Hill.

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)
- 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)
- Guidance Documents
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Sustainable Buildings (Supplementary Planning Document - December 2008)

SUMMARY OF REPRESENTATIONS

Warwick Town Council: Object to the proposal on grounds of overdevelopment.

WCC Ecology: Recommend bat note.

Public Response: Six letters of objection have been received on the following grounds:

- Proposal does not differ from the scheme previously refused in 2012 and reasons given for this still apply
- With the increase in the number of bedrooms the number of vehicles would increase resulting in overflow of vehicles parking on the street
- Applicant proposes to carry out alterations to a retaining wall for mature trees and should provide safety assurances that the alterations to retaining wall would lead to the destabilising of the trees.
- Applicant should provide assurances that the existing Leylandi hedge would be retained and maintained.
- Proposal would result in overlooking to private amenity areas
- Proposal would undermine the ambience of the area, existing property should be retained as starter home
- Proposal would not be subservient to existing dwelling
- Highway safety would be prejudiced
- Proposal would result in noise and general disturbance from construction works
- Proposal would be out of keeping and character and adversely affect the streetscene

ASSESSMENT

The key issues in the consideration of this application are:

- The impact of the proposal on the amenities of surrounding residential occupiers
- Design and the impact of the proposal on the character and appearance of the street scene

Amenity

Saved Policy DP2 of the adopted Local Plan requires development to protect the amenity of surrounding local residents. Saved Policy DP1 requires development to contribute positively to the design of the environment. The Residential Design Guide SPG also seeks to protect living conditions in terms of loss of light and outlook and promote the provision of a satisfactory level of accommodation within adjacent dwellings. The 45 degree Guide is used as a general guide for good neighbourliness. This guidance assists in analysing the impact of extensions on windows serving habitable rooms in adjacent dwellings.

The proposed ground floor extension at the rear has been designed to match with the depth of an existing projecting extension on the adjoining dwelling at 33 Yardley Close. There would be no conflict with the 45 degree line in relation to this property. The two storey element would be set away from adjoining dwelling. Due to the specific site circumstances, the proposed extensions would have little impact on loss of light, outlook or privacy on surrounding occupiers.

Impact on Street scene

A previous similar scheme was submitted in June 2012 and refused planning permission for reasons set out above. The current proposal has been amended as follows:

- reduction in the size of the rear kitchen and bedroom extension
- reduction in the width of the window serving the rear bedroom
- reduction in the width of front bedroom window and
- reduction in the width and height of the dormer.

The substantive objections raised by local residents to the current application are noted. Notwithstanding this, in assessing the impact of the proposal on the street scene, the existing dwelling is situated at the end of a cul-de-sac on Yardley Close and Primrose Hill runs along the side of the dwelling. In considering the current two storey side element, it's roof line would be set lower than the main roof ridge of the existing dwelling. The first floor element of the side extension would also be set back from the established front building line. The width of the proposed extension in this surrounding context is considered acceptable. An existing side garage and workshop would be demolished to facilitate the proposed works. The application property is set back from Yardley Close by 6.8m on a corner plot and is screened from the frontage by existing boundary treatment. The proposed materials have been designed to match with the existing property.

The proposals as revised are considered acceptable within the streetscene and would not result in any demonstrable harm. Notwithstanding the observations of Warwick Town Council, an argument that the proposal would result in overdevelopment could not be sustained. There are adequate separations

distances with surrounding dwellings and a reasonable sized amenity area would be retained. The applicant has pointed out the dwelling has been void as it has suffered from subsidence which has resulted in structural damage. Since the initial refusal decision in 2012, the property has deteriorated structurally. The proposed alterations as amended are intended to enable the property to be improved and repaired and allow the applicant to move back into the property with his family. The visual amenities would continue to be protected as would the architectural integrity of the existing dwelling.

Other Issues

Parking is provided in accordance with the adopted parking standards.

The applicant intends to use an arboriculturalist to advice on work to the trees.

Given the scale of the proposed development it is considered that a requirement to provide renewables/ fabric first approach in accordance with Policy DP13 and the associated SPD would be appropriate. This can be secured by condition.

Summary/Conclusions

The revised proposal would have no material adverse effect on the living conditions of neighbouring residential properties or the general street scene. The extension would sit comfortably on the property and within the plot. The bulk of the proposed extension would be screened by existing boundary treatment. It is concluded that the proposal would comply with the saved policies of the Adopted Warwick Local Plan and the aims and objectives of the National Planning Policy Framework.

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 1195-A3-009, 1195-010-B and specification contained therein, submitted on 22 December 2016. **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 amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.
- 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.

Planning Committee: 10 January 2017

Item Number: 8

Application No: [W/16/1676](#)

Town/Parish Council:	Leamington Spa	Registration Date:	21/11/16
Case Officer:	Helena Obremski	Expiry Date:	16/01/17
	01926 456531 Helena.Obremski@warwickdc.gov.uk		

29-33 High Street, Leamington Spa, CV31 1LN

Internal and external alterations to facilitate conversion of the roof-space to provide 7no. additional bedrooms to an existing 7no. bedroomed house in multiple occupation (HMO) to be used as student accommodation. FOR AT Architects Ltd

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

RECOMMENDATION

Planning Committee are recommended to grant planning permission.

DETAILS OF THE DEVELOPMENT

The proposal seeks planning permission for internal and external alterations, and conversion of the roofspace to provide 7no. additional bedrooms to an existing 7no. bedroomed house in multiple occupation (HMO) to be used as student accommodation.

THE SITE AND ITS LOCATION

The application site is located to the north of High Street, which is located within a mixed use area to the south of the town centre. The ground floor of the property is currently used as a retail store, with a 7 bedroomed HMO above to the first floor. The application site is located within the Conservation Area.

PLANNING HISTORY

W/97/0907 - application granted for the conversion of the first floor accommodation into a HMO.

W/04/1348 - application granted for the conversion of roof space to form new flat and insertion of 7no. rooflights.

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)
- 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)
- BE2 - Developing Strategic Housing Sites (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)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H6 - Houses in Multiple Occupation and Student Accommodation (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: Object. The proposal represents overdevelopment of the site and is harmful to the Conservation Area. The proportion of HMOs exceeds the Council's 10% maximum within a 100 metre radius. Query how the roof space will work in the bedrooms to the second floor and whether the chimney needs to be removed.

Waste Management: Objection. A dedicated storage area should be provided to ensure that the waste storage does not become a health and safety issue.

WCC Ecology: No objection, recommends that roof tiles are removed by hand and bat and nesting bird notes.

CAF: No objection, concern raised regarding doubling the occupancy of the HMO with no waste management plan and visual impact of rooflights. The loss of the chimney stack seems unnecessary. It is doubtful that the proposed scheme can be constructed as the proposed pitch of the roof suggests there would be no head room. Lack of clarity on some of the plans.

Open Space: No objection, subject to contribution of £4,396 towards open space improvements.

WCC Highways: No objection.

ASSESSMENT

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

- Principle of the Development - whether the proposals would cause or add to a harmful over-concentration of HMO accommodation in this area
- Living conditions of the occupiers
- Car parking and highway safety
- Impact on Landscape and Heritage Assets
- Sustainability
- Open Space
- Ecological Impact
- Health and Wellbeing

Principle of the Development - whether the proposals would cause a harmful over-concentration of HMO accommodation in this area

There has been an objection from the Town Council that the proposal represents overdevelopment of the site and that the proportion of HMOs exceeds the Council's 10% maximum within a 100 metre radius.

Emerging Local Plan Policy H6 for Houses in Multiple Occupation states that planning permission will only be granted for Houses in Multiple Occupation, including student accommodation, 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.

Exceptions to (a) may be made where the application site is located on a main thorough fare in a mixed use area where the proposal would not lead to an increase in activity along nearby residential streets (for example, by way of pedestrian movements between the application site and the town centre or car parking). In recent appeals, Inspectors have afforded this policy weight.

As the development would provide an additional 7no. bedrooms, which if applied for independently of this application, would need planning permission for a new large HMO, it was considered necessary to calculate the percentage of existing HMOs within a 100 metre radius. The proportion of HMOs within a 100 metre radius of the application site represents 21%. However, the site is located on a main through fare in a mixed use area consisting of retail units, cafes, hair dressers and various other uses. It is highly unlikely that there would be an increase in activity along nearby residential streets in terms of pedestrian movements or car activity as all local amenities are accessed via High Street and Bath Street, which leads directly to the town centre.

Therefore, whilst the proposed development exceeds the 10% limit, the development is considered to meet the exceptions to point 'a' of this policy.

Furthermore, the property is located within 400 metres of a bus stop, does not lead to sandwiching of a non HMO property between two HMOs and does not lead to a continuous frontage of 3 or more HMOs.

Waste Management objected to the proposed development as they considered that a dedicated storage area should be provided to ensure that the waste storage does not become a health and safety issue. However, the plans have been amended to provide a waste storage area which can easily be accessed by all of the existing and future occupiers of the property.

In conclusion, the principle of the development is considered to be acceptable and conforms with the NPPF and emerging local plan policy H6.

Living conditions of occupiers

The agent has provided the floor areas of each of the rooms for the student accommodation, all of which are more than 6.5sqm. Therefore, each room is considered to provide adequate living space for the future occupants of the site. The Town Council and CAF raised queries whether the bedrooms to the second floor were achievable in terms of the proposed pitch of the roof, however, the plans have been amended and highlighted to show that the required amount of floor space can be achieved.

No outdoor amenity space is provided as part of the development, however, this is a traditional arrangement for HMOs. Furthermore, there are local open spaces within walking distance of the site.

Car parking and Highway Safety

Policy DP8 states development will only be permitted that makes provision for parking and does not result in on-street car parking detrimental to highway safety. The Supplementary Planning Document (SPD) *Vehicle Parking Standards* sets out Warwick District Council's detailed parking standards for developments.

No off street car parking has been provided and there is insufficient car parking within the wider area to accommodate the parking requirement for the site. Therefore, a unilateral undertaking has been provided between the applicant and Highways Authority for an agreement for a Traffic Regulation Order for the site. This will prevent any permits from being issued for the site and therefore, there will be no increased pressure on local parking as a result of the proposed development.

It is noted that the Highway Authority have no objection to the proposal as there would be no harm caused to vehicular or pedestrian safety as a result of the proposed development.

Impact on 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.

There has been an objection from the Town Council that the development would have a detrimental impact on the Conservation Area and query why the chimney stack is to be removed, which the CAF also note, along with concern regarding the number of rooflights. The scheme has been amended so that the chimney stack will remain and the number of rooflights have been reduced, which is considered to have overcome these concerns. The pitch of the roof will also now remain the same, and the Officer's view is that development will not be harmful to the Conservation Area. A condition is to be imposed to ensure that conservation style roof lights are used.

The development is therefore considered to comply with the NPPF and Local Plan policy DAP8.

Renewables/ Fabric First

The increase in number of rooms means that the sustainability requirements of the Council will need to be addressed. No information has been provided in reference to what measures the applicant will take to conform with the Council's sustainable buildings requirements, however, this can be secured by condition.

Open Space

Open Space have no objection to the proposed development, subject to contribution of £4,396 towards local open space improvements. It is likely that the funds will be put towards improvements to Eagle Rec, Elephant Walk and the Spa Gardens. This can be secured by condition.

Ecological Impact

WCC Ecology have commented on the application and recommend a condition to ensure that roof tiles are removed by hand and the inclusion of bat and nesting bird notes, which will be implemented.

Health and Wellbeing

It is considered that this proposal will provide much needed accommodation in a sustainable location which contributes to the health and wellbeing agenda.

CONCLUSION

The proposed additional bedrooms to the existing HMO within this area adheres to the criteria set out within the Draft Local Plan and more specifically Policy H6. There would be no additional harm to nearby uses or residents as a result of the proposal and the parking concerns have been addressed through the unilateral undertaking. Adequate waste storage has been provided and therefore the application should be granted.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved amended drawing 1197-0501-04, and specification contained therein, submitted on 16th December 2016. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 Unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy SC13 of the Warwick District Local Plan 1996-2011:

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

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

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

- 4 The development hereby permitted shall not be commenced unless and until a scheme showing how 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.

- 5 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.
- 6 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.
- 7 The rooflights hereby approved shall be "conservation style" so that there are installed in line with the roof slope and do not protrude past the roof tiles. **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 The development hereby permitted shall not be occupied unless and until the refuse storage areas for the development have been constructed or laid out, and made available for use by the occupants of the development in accordance with the approved details 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.

- 9 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: 10 January 2017

Item Number: 9

Application No: [W/16/1762](#)

Town/Parish Council:	Leamington Spa	Registration Date:	18/10/16
Case Officer:	Helena Obremski	Expiry Date:	13/12/16
	01926 456531		Helena.Obremski@warwickdc.gov.uk

Lawrence House, 1A Morrell Street, Leamington Spa, CV32 5SZ
Change of use from Offices (Use Class B1) to 7no. Residential Apartments (Use Class C3), together with internal and external alterations. FOR Mr Wong

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

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 proposal seeks planning permission for a change of use of offices to residential units to include: 3no. two bedroomed flats and 4no. one bedroomed flats. The scheme provides 7no. off street car parking spaces.

The scheme includes the increase in the ridge height of the building to facilitate the first floor accommodation and includes the installation of dormer windows. As originally submitted, the proposal also included the rendering of the property, which has subsequently been amended to matching brickwork to ensure preservation of the Conservation Area and street scene, along with other minor amendments. The scheme has also been reduced in terms of the number of bedrooms provided by the development to ensure that site is not overdeveloped.

THE SITE AND ITS LOCATION

The application site is located to the east of Morell Street and south of Morton Street on a corner plot within the Conservation Area. The existing property has been most recently used as offices and is a modern development which attempts to incorporate traditional features such as curved arches above the window frames to ensure a sensitive development within the Conservation Area. The existing offices provide 7 off street car parking spaces which are accessed via an undercroft area accessed from Morton Street.

PLANNING HISTORY

There is no relevant planning history relating to this site.

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)
- 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)
- 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)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- Guidance Documents
- Distance Separation (Supplementary Planning Guidance)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: No objection.

Waste Management: No objection, the bin store should accommodate 7 x 180 litre grey bins.

WCC Ecology: No objection, subject to the inclusion of bat and nesting bird notes.

WCC Highways: No objection.

Open Space: No objection, subject to provision of contribution of £7,432 towards improvements to local open spaces.

Public Response: 6 objections have been received on the following grounds:

- Loss of privacy in terms of increased number of occupants,
- loss of light,
- car parking,
- increased hours of occupation of the property, and

detrimental impact on the Conservation Area.

ASSESSMENT

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

- The Principle of the Development
- Impact on the character and appearance of the area
- Impact on Landscape and Heritage Assets
- Impact on living conditions of nearby dwellings and future occupants of the proposed dwellings
- Car Parking and Highway Safety
- Drainage and Flood Risk
- Sustainability
- Waste
- Open Space
- Ecological Impact
- Health and Wellbeing

The Principle of the Development

The site is located within a Primarily Residential Area on the proposal map therefore, the change of use of the site from office to residential is considered to be acceptable.

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 the character of the area, its quality 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.

The proposed development would require an increase in ridge height of the existing building and insertion of dormer windows. As the existing property is already slightly higher than both of the adjoining properties and the proposed height increase is marginal, this is not considered to be harmful to the street scene. The proposed dormer windows relate to the curved arches above the existing windows and matching brickwork will be used to ensure that the development sits comfortably within the street scene.

The proposed development will not significantly impact on the existing street scene and all of the proposed external alterations, as amended, are considered to be acceptable and would preserve the street scene. The proposal is considered to be in accordance with the NPPF, Local Plan policy DP1 and the Residential Design Guide.

Impact on Landscape and Heritage Assets

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. 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 proposed conversion of the offices to flats would be harmful to the Conservation Area. However, the proposed design is considered to be sympathetic to the Conservation Area, replicating traditional features from the existing building and using appropriate, matching materials to those of the existing property. The modest increase in roof height will sit comfortably against the adjoining properties which are already lower than the application property. The design of the roof has been amended so that there is a gable to each end of the building, which provides symmetry and balance.

Officers requested some minor alterations to the proposed design which have been accommodated and are now satisfied that the proposal will not be harmful to the Conservation Area. Large scale architectural details will be conditioned to ensure that a high standard of design is provided. The development is considered to be in accordance with the NPPF and local plan policy DAP8.

Impact on living conditions of nearby dwellings and future occupants of the proposed 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 Residential Design Guide provides a framework for policy DP2, which stipulates the minimum requirements for distance separation between properties and extensions should not breach a 45

degree line taken from a window of the nearest front or rear facing habitable room of a neighbouring property.

There have been objections from members of the public who have concerns regarding loss of privacy in terms of increased number of occupants and a loss of light.

The proposed dwellings and nearby occupants are located within the Conservation Area and therefore, the Council takes a more flexible approach towards the application of the adopted minimum distance separation guidance. The scheme has been amended so that the only additional window serving a habitable room which could impact the neighbours to rear of the site is a first floor rear facing window serving a bedroom. The other windows facing the rear of the site towards the neighbouring residents serve non habitable rooms at the second floor; owing to a high level brick wall to the edge of the site boundary, the rear facing ground floor windows do not present any opportunity for overlooking.

11 Clarendon Avenue is located directly behind the application site, and benefits from first floor and second floor windows which serve habitable rooms to their rear elevation which could be impacted as a result of the proposed development. The distance between this neighbour's windows and the first floor window to the proposed conversion is 27.4 metres. According to the Council's adopted distance separation guidance, this distance should be 32 metres. It is acknowledged that this distance is short of the minimum requirement, however, as the built form is no closer to the rear neighbour, it is not considered that the development would be overbearing or that there would be a loss of light as a result of the proposal. Furthermore, it is not uncommon within this part of the Conservation Area to find distance separations of much less than this. Therefore, on balance, it is considered that this rear facing window serving a habitable room to the proposed development would not represent a reason for refusal of the application in this location. The remaining windows which do not serve habitable rooms will be conditioned to be permanently obscure glazed to reduce the perception of overlooking from these rooms.

The proposed development provides adequate outlook and privacy for the future occupants of the properties. Whilst there is no outside amenity space, this is a traditional arrangement for flats and there is local open space within walking distance of the site.

The proposed development is considered to provide an adequate level of amenity for the future occupants of the site and does not cause an unacceptable level of harm to the living conditions of the occupiers of nearby properties which would warrant reason for refusal of the application. The development is therefore considered to comply with the NPPF, Local Plan policy DP2 and the Residential Design Guide.

Car Parking and Highway Safety

There have been a number of objections from members of the public that the development provides inadequate parking.

Paragraph 2.3.2 of the Council's adopted Vehicle Parking Standards states that a lower provision of parking is acceptable if it '*should not unacceptably worsen the situation*'. The existing offices are located in a high accessibility area and based on the gross internal floor area of the existing offices, which is 520sqm, they require 8.66 spaces (1 space per 60 sq m). However, there are currently only 7 car parking spaces provided on site. For the proposed development, a total of 8.5 spaces are required. Therefore, there would be no additional parking pressure as a result of the proposal which would warrant refusal of the application.

Furthermore, WCC Highways have no objection to the proposal and therefore, it is considered that there would be no harm to vehicular or pedestrian safety as a result of the proposed development. Adequate cycle storage has also been provided which meets the Council's adopted Vehicle Parking Standards.

Drainage and Flood Risk

The application site is not located within a flood risk zone and therefore, there is no risk posed to safety as a result of the proposed development through flooding. It is considered that the additional floorspace to the second floor would not create an additional need for surface water drainage.

Sustainability

The agent has provided a sustainable buildings statement which details that a fabric first or renewable energy forms will be used to meet the Council's sustainability requirements. Further information is required in order to ascertain whether the Council's minimum requirements will be met, which can be secured by condition.

Waste

Waste Management's storage requirements will be met on site for 7no. 180 litre grey bins. The waste storage facilities are therefore considered to be acceptable.

Open Space

Open Space have no objection to the proposal, subject to the provision of a contribution towards the improvement of local open spaces. They recommend a contribution of £7,432 which would go towards the improvement of Villiers Street or Clarendon Square and can be secured by condition.

Ecological Impact

WCC Ecology have commented on the application and have no objection to the proposed development subject to the inclusion of nesting bird and bat notes.

Health and Wellbeing

The proposed development would provide 7 additional residential units for which provides housing for members of the public.

CONCLUSION

The proposed development would provide additional housing in a suitable location. The proposal provides a sympathetic design which is respectful to the Conservation Area. The proposed dwellings are not considered to have a harmful impact on neighbouring residential amenity which would warrant reason for refusal and there would be no increase in the requirement for parking as a result of the proposal. The development provides adequate waste and cycle storage and therefore 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 amended drawings 700301-PL-009-B, 700301-PL-012A, 700301-PL-013A, 700301-PL-011A, 700301-PL-010A, 700301-PL-014A, 700301-PL-015A and 700301-PL-008A, and specification contained therein, submitted on 20th December 2016. **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 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.

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

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

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

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

- 6 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.

- 7 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.

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

- 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.

Planning Committee: 10 January 2017

Item Number: 10

Application No: [W/16/1823](#)

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

Registration Date: 07/10/16
Expiry Date: 02/12/16

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25 Beauchamp Road, Leamington Spa, CV32 5RP

Demolition of existing warehouse and flat and erection of residential development comprising of a single storey 2 bed dwelling, 5no. three storey 4 bed town houses, 2no. 2 bed apartments and 1no. 3 bed apartment FOR Mr Rai

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

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 applicant seeks full planning permission for the demolition of an existing warehouse and for the erection of a three and two storey development to comprise of: 1no. two storey two bedroomed dwelling; 5no. four bedroomed town houses; 2no. two bedroomed apartments and 1no. three bedroomed apartment (replacing an existing apartment).

The proposal provides outdoor amenity space for the town houses and a parking survey shows that on street parking can accommodate the additional need brought about by the development.

THE SITE AND ITS LOCATION

The application site is located on the west side of Beauchamp Avenue on a corner plot at the junction with Trinity Street. The existing building which occupies the whole of the plot is a vacant warehouse which was most recently used as a car parts business and is of no architectural merit. The site is situated on the northern boundary of the Town Centre in adjacent to an area to be predominantly in residential use. The site is location within the Royal Leamington Spa Conservation Area.

The main residential area is to the north and comprises of mainly large two storey white stucco villas with sash windows, three storey town houses, Binswood Hall retirement complex and a couple of mid 1900's semi-detached two storey properties. Trinity Street is a mixture of commercial, residential use and garages to the properties on Binswood and Beauchamp Avenues. The Victorian properties to the north side of Binswood Avenue are mainly three

storey terraces with verandas at either ground or first floor. Along the south side are mainly render villas (detached and semi-detached) with bays, sash windows, recessed front doors and slate pitch roofs. To the south is the Kingsley High School complex which comprises of the main building in Beauchamp Avenue with ancillary buildings converted from Edwardian style houses and infill extensions, extending into Beauchamp Road. The converted houses are large two and half storey properties with tiled pitch roofs, brick and pebble dash render walls with casement windows.

While the site is located in a predominantly residential area, there are two other commercial buildings in the immediate vicinity; a tyre fitting company on the opposite corner of the junction and a furniture warehouse next door on Trinity Street.

PLANNING HISTORY

W/88/0567 - application granted for the erection of a rear basement and kitchen extension.

W/04/0771 - application granted for the demolition of 2no garages and rear garden boundary wall and erection of a single storey dwelling and integral garage with access onto Trinity Street.

W/09/1213 - application granted for the demolition of 2no garages and rear garden boundary wall and erection of a single storey dwelling and integral garage with access onto Trinity Street.

W/09/1323/CA - application refused for demolition of two existing garages and boundary wall.

W/10/0018/CA - application granted for the demolition of boundary wall to Trinity Street.

W/15/1748 - application granted for the removal of existing single storey rear lean to roof and replace with proposed flat roof and roof lantern. Proposed rear elevation bifold doors and relocation of utility door. Proposed flat roof to utility bathroom to match proposed kitchen flat roof. Proposed rear lightwell created to add natural daylight into basement area. Proposed steps to raised access platform to rear elevation.

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)

- 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
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenities (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)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- Guidance Documents
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- Open Space (Supplementary Planning Document - June 2009)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Vehicle Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: The Town Council object on the following grounds: the proposals constitute an overdevelopment of this small site - reduced number of houses on the site plus the inclusion of associated parking spaces would be preferable; the proposed three-storey building will be above the height of the surrounding residential properties with an adverse impact particularly on adjacent properties and the Conservation Area in general; lack of proposed off-street parking serving this development will exacerbate existing parking difficulties.

WCC Highways: Based on the results of the parking survey, the Highway Authority considers there to be sufficient on-street parking capacity to accommodate the proposed development. It is also unlikely that the development proposals will have a detrimental impact on public highway safety, therefore the Highway Authority has no objection.

WCC Ecology: No objection, subject to the inclusion of bat and nesting bird notes.

Waste Management: No objection, the flats should have a communal bin store area.

Open Space: No objection, subject to contribution of £16,328 towards the improvement of local open spaces.

Public Responses: 28 objections have been received on the following grounds:

- Inappropriate design - the development will be dominant and overbearing in the street scene, out of character, disproportionate and cramped. The development does not respect the surrounding buildings in terms of scale, height, form and massing. The development represents overdevelopment of the site.
- Impact on the Conservation Area and setting of Listed Buildings - the development is out of character and harmful to the Conservation Area and setting of nearby Listed Buildings. The development does not represent a qualitative improvement to the Conservation Area and setting of adjacent buildings in accordance with Local Plan policy DAP6, does not reflect the architectural character of the locality and detracts from the character of the area.
- The development would have an unacceptable level of harm to neighbouring residential amenity in the form of loss of light, loss of privacy, overbearing, and cause noise and disturbance.
- The development provides a lack of amenity space for future occupants.
- Potential for town houses to be converted into HMOs and high density of housing.
- Impact on existing parking provision.
- Potential for waste to overflow onto the pavement causing danger to pedestrian safety.
- Potential to create increased levels of crime and student accommodation would be at odds with the character of the surrounding area which is occupied by families.
- Potential for works to cause damage to local properties and stress to residents.

ASSESSMENT

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

- The Principle of the Development
- Impact on the character and appearance of the area
- Impact on Heritage Assets
- Impact on living conditions of nearby dwellings and future occupants of the proposed dwellings
- Car Parking and Highway Safety
- Drainage and Flood Risk
- Sustainability
- Waste
- Open Space
- Ecological Impact
- Health and Wellbeing
- Other Matters

The Principle of the Development

The application site is located on the very edge of the Leamington Spa town centre boundary as identified on the proposals map immediately next to an area designated to be primarily in residential use. The existing use is a warehouse

last used by Unipart Automotive for a vehicle spares outlet but which has been vacant since June 2014. The lawful use falls within the definition of employment uses under Policy SC2 of the Local Plan, which seeks to protect existing employment sites. The property has been actively marketed by Bromwich Hardy with interest received from commercial but, non-employment uses as defined by the policy. In any case, these all fell through for various reasons, one of which being that the building is in very poor condition which would need to be extensively refurbished or rebuilt to be brought back into use. In this case it is considered that the location of the site is such that alternative employment uses would be likely to have an unacceptable adverse impact upon adjacent residential uses and therefore the change of use to a non-employment use in this case would not be contrary to Policy RAP2. It would also bring about benefits in terms of removing commercial deliveries and collections from Trinity Street which is narrow and difficult to manoeuvre.

The demolition of buildings in the Conservation Area is considered to be acceptable where the detailed design of the replacement can demonstrate that it will bring about a genuine qualitative improvement to the Conservation Area and the setting of the adjacent buildings in accordance with Local Plan Policy DAP9. The existing building is a relatively modern development of no architectural merit and is somewhat dilapidated, which detracts from the character and appearance of this part of the Conservation Area. Officers are of the view that the proposed development will bring about a genuine qualitative improvement to the Conservation Area and the setting of the adjacent buildings. There have been objections from members of the public that the proposed development is out of character and harmful to the Conservation Area and setting of nearby Listed Buildings which will be discussed below.

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.

The existing building comprises mainly of a single storey steel frame building with slate pitch roof and white render parapet walls with shopfront glazing to Beauchamp Road. The steel frame runs into a two storey building fronting Trinity Street with the existing 3 bed flat split over two levels. The building detracts from the character and appearance of the area.

There have been objections from the Town Council and members of the public that the proposals constitute overdevelopment of the site; the design is inappropriate and will be dominant and overbearing in the street scene; the development is out of character, disproportionate and cramped. Objections also include the fact that the development does not respect the surrounding buildings in terms of scale, height, form and massing.

The existing building is a mix of one and two storeys and the wider street scene is characterised by two and three storey dwellings. Some of these residential properties are from the Regency period, whilst others were built much more recently, and are constructed from a range of materials. Furthermore, the Grade II* listed Audley Binswood Retirement Village which is positioned to the north of the site is visible within the context of the street scene. This provides a varied street scene, with no prevailing architectural character. Furthermore, the wider area also provides a variety of style and age of properties.

Whilst it is acknowledged that the proposed building will be larger than the existing property in terms of scale and mass, the principle of constructing a larger structure is considered to be appropriate. The proposed development will be larger than the adjoining properties in terms of mass and scale, however, this does not mean that the character of the nearby dwellings will not be respected. The proposed town houses reflect the wider character of the area and would not appear incongruous within the varied street scene. The subordinate flats will provide accommodation which reflects the scale and mass of the adjoining properties. Similar scale development in terms of the town houses is apparent in the wider area and therefore, the development is not considered to be overbearing or inappropriate.

The proposed street elevations are render and include projecting bays, sash windows, recessed front doors (as Binswood Avenue) and slate pitch roofs. The projecting bay extends past the eaves with a parapet similar to properties in Binswood Avenue, to break the extent of the roof and give the elevations a vertical emphasis rhythm. The proposed three storey provides a strong street frontage to Beauchamp Road and Trinity Street.

The town houses have been designed with hipped roofs at the corners to minimise the overall bulk and mass, with features from similarly designed properties in the wider area which have been added, such as the curved doorway arches to ensure that the development will not appear out of keeping within the wider area. It is not out of character to see town houses within the town centre of this scale and density and therefore, the site is not considered to be cramped or overdeveloped. Therefore, the design is considered to be acceptable and would not be harmful to the street scene. The proposal is considered to be in accordance with the NPPF, Local Plan policy DP1 and the Residential Design Guide.

Impact on Heritage Assets

Warwick District's adopted 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. Section 66 of the same Act imposes a duty to have special regard to the desirability of preserving a listed building or its setting when considering whether to grant a planning permission which affects a listed building or its setting.

Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. 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 the Town Council and members of the public that the development is out of character and harmful to the Conservation Area and setting of nearby Listed Buildings. They consider that the development does not represent a qualitative improvement to the Conservation Area and setting of adjacent buildings, does not reflect the architectural character of the locality, and detracts from the character of the area.

The existing property is of poor quality and the proposed development is considered to be of an acceptable design which would not be harmful to the street scene. The proposed dwellings have traditional features such as firewalls, which give the properties vertical emphasis to reflect similarly designed properties within the wider Conservation Area. Small amendments have been made to ensure that the front entrances replicate the design of similar town houses within the wider area which provides a sympathetic design. The proposed replacement building is considered to be of good design quality which would provide a qualitative improvement to the Conservation Area.

The elevational treatment of the proposed replacement building has been designed to reflect the Victorian rendered properties to Binswood Avenue. The Conservation Officer does not consider that the proposed development would be harmful to the setting of the nearby listed buildings. It is therefore considered that there would be no harm to the Conservation Area or nearby listed buildings as a result of the proposal. The development is considered to be in accordance with the NPPF, DAP8 and DAP9.

Impact on living conditions of nearby dwellings and future occupants of the proposed 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 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.

There has been an objection from the Town Council and members of the public in relation to the impact which the proposed development would have on neighbouring residential amenity. Concerns focus on the potential for loss of light, loss of privacy, that the development would be overbearing, and cause noise and disturbance. There has also been a concern raised that the development provides a lack of amenity space for future occupants of the proposed dwellings.

The proposed dwellings and nearby occupants are located within the Conservation Area and therefore, the Council takes a more flexible approach towards the application of the adopted minimum distance separation guidance. 40 Binswood Avenue is positioned to the east of the site and has objected to the proposed development due to a loss of privacy and overlooking. However, the proposed development and this neighbour are separated by a wide road where the standard distances are not normally applied so rigidly.

38 Binswood Avenue is positioned directly adjacent to the proposed development, to the north of the site. This neighbour benefits from a first floor rear facing conservatory and has objected to the proposed development as there would be a loss of light to this room. However, the roof of the existing property obscures a significant amount of light to this conservatory, which has a limited outlook. The proposed development would increase the outlook and potentially increase the amount of natural light entering into this room. Therefore, the proposed development is not considered to cause harm to the living conditions of the occupiers of this property.

The proposed development is not considered to be overbearing owing to the distances and road separation between the proposed development and nearby properties. There have been objections to the noise and disturbance which would be caused as a result of the works, which can be adequately controlled by condition.

There has been an objection to a lack of amenity space for the proposed dwellings. However, each of the town houses are provided with a modest outside amenity space which is comparable to other similar size dwellings within the wider area. The proposed flats do not have any amenity space, however, this is considered to be acceptable for flats which traditionally do not benefit from outdoor amenity space. Furthermore, there is outside amenity space available to the future occupants of the site within easy walking distance. The internal ground floor layout has been designed to be dual aspect to maximise the level of light and outlook available.

The proposed development is considered to provide an adequate level of amenity for the future occupants of the site and does not cause an unacceptable level of harm to the living conditions of the occupiers of nearby properties which would warrant reason for refusal of the application. The development is therefore considered to comply with the NPPF, Local Plan policy DP2 and the Residential Design Guide.

Car Parking and Highway Safety

There have been a number of objections from the Town Council and members of the public that the proposed development does not provide adequate parking provision. However, a parking survey has been provided by the agent. This provides a detailed representation of the parking over a week long period at various intervals of the day and shows that there is adequate on street unrestricted parking to accommodate the required number of spaces for the scheme.

Furthermore, WCC Highways have no objection to the proposal and therefore, it is considered that there would be no harm to vehicular or pedestrian safety as a result of the proposed development. Adequate cycle storage has also been provided which meets the Councils adopted Vehicle Parking Standards SPD.

Drainage and Flood Risk

The application site is not located within a flood risk zone and therefore, there is no risk posed to safety as a result of the proposed development through flooding.

There have been no details submitted in relation to drainage on site, however, this can be secured by condition.

Sustainability

The agent has provided a Sustainable Buildings Statement which details that a fabric first or renewable energy forms will be used to provide towards the Council's sustainability requirements. Further information is required in order to ascertain whether the Council's minimum requirements will be met, which can be secured by condition.

Waste

There has been an objection from members of the public that the development has the potential for waste to overflow onto the pavement causing danger to pedestrian safety. However, adequate on site waste storage has been provided and waste management have no objection to the proposal.

Open Space

Open Space have no objection to the proposal, subject to the provision of a contribution towards the improvement of local open spaces. They recommend a contribution of £16,328 which would go towards the improvement of Villiers Street, Clarendon Square or the Spa Gardens which can be secured by condition.

Ecological Impact

WCC Ecology have commented on the application and have no objection to the proposed development subject to the inclusion of nesting bird and bat notes.

Health and Wellbeing

There has been an objection from members of the public that the works to the site are likely to cause damage to local properties and stress to residents.

The disturbance caused by the works would be a temporary matter controlled by condition and not considered to be a reason for refusal of the application.

Furthermore, there has been an objection that the development could create increased levels of crime and student accommodation would be at odds with the character of the surrounding area which is occupied by families. The development will provide additional housing which will be available to a range of people including families and not limited to students, therefore this is not considered to be a reason for refusal. There is no evidence to suggest that the development would increase levels of crime within this area.

Other Matters

There have been concerns raised that the proposed dwellings would be used as HMOs for students. A change of use to HMOs in this location would require planning permission.

SUMMARY/CONCLUSION

The proposed development would provide additional housing in a suitable location. The proposal provides a sympathetic design which is respectful to the Conservation Area and nearby listed buildings. The proposed dwellings are not considered to have a harmful impact on neighbouring residential amenity and adequate on street parking can be accommodated nearby to the site. The proposal provides adequate waste and cycle storage and therefore 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 amended drawings 940 - 09 Rev A, 940 - 10, 940 - 11 Rev A and 940 - 12 Rev A, and specification contained therein, submitted on 30th November 2016. **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 Unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy SC13 of the Warwick District Local Plan 1996-2011:

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

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

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

- 5 The development 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 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 Policies DP1 and DAP8 of the Warwick District Local Plan 1996-2011.

- 7 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 hours of construction/ demolition works, the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays; to control the emission of dust and dirt during construction; and a scheme for recycling / disposing of waste resulting from demolition and construction works.

REASON: In the interests of the amenities of the occupiers of nearby properties and the visual amenities of the locality in accordance with Policies DP2, DP8 & DP9 of 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 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 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.
- 10 The development hereby permitted shall only be undertaken in strict accordance with drainage details, incorporating a Sustainable Drainage System (SUDS) and responding to the hydrological conditions (soil permeability, watercourses etc) within the application site, including a long term management and maintenance plan, which have been submitted to and approved in writing by the local planning authority. The approved systems shall thereafter be retained and shall be managed and maintained in strict accordance with the approved details unless alternative drainage methods have been approved in writing by the local planning authority. **REASON:** To ensure that a satisfactory means of drainage is provided such as to minimise flooding and which Promotes and maintains the good stewardship of the natural and built environment in accordance with Policies DP11 & DP3 of the Warwick District Local Plan 1996-2011.
- 11 All rainwater goods for the development hereby permitted shall be metal. **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.

- 12 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.

Planning Committee: 10 January 2017

Item Number: 11

Application No: [W/16/1831](#)

Town/Parish Council:	Shrewley	Registration Date:	17/10/16
Case Officer:	Helena Obremski	Expiry Date:	12/12/16
	01926 456531 Helena.Obremski@warwickdc.gov.uk		

Newlands, Mill Lane, Little Shrewley, Shrewley, Warwick, CV35 7HN
Conversion of coach house to form 1no. dwelling FOR Mr & Mrs Ingleson and van
den Berg

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

Planning permission is sought for a change of use of the existing outbuilding to the rear of the main dwelling into a new independent dwelling to provide separate accommodation for the applicant's elderly relative.

The agent has presented a Planning Statement which details that the coach house will be utilised by one of the applicants' mother who makes monthly car journeys to visit the applicants. The statement claims that as a result of the change of use, there will be net reduction in car journeys by more than 5,000 miles per year. The coach house would provide the applicant's mother independence of her own and cooking facilities and would allow one of the applicants to return to work full time.

The agent proposes a personal condition to overcome concerns raised by officers regarding the sustainability of the site to limit the occupancy to the parents of the occupiers of the main dwelling, and the coach house would revert back to incidental use on the discontinuance of the occupants of the main dwelling.

THE SITE AND ITS LOCATION

The application relates to a detached outbuilding serving a two storey property with driveway parking. The application site is positioned to the north east of Mill Lane and is located within the Green Belt.

PLANNING HISTORY

W/83/0896 - Conversion of a barn into dwelling for occupation by invalid relative
- Granted.

W/84/0294 - Conversion of barn into dwelling without compliance with condition 2. of W/83/0869 - Granted.

W/03/0479 - Erection of a car-port linked to existing outbuilding - Granted.

W/16/1827 - Erection of a single storey rear extension - Granted.

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)
- RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- The Emerging Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- 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)
- H11 - Limited Village Infill Housing Development in the 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)
- FW2 - Sustainable Urban Drainage (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)
- 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)

SUMMARY OF REPRESENTATIONS

Shrewley Parish Council: No objection.

Cllr Gallagher: Supports application as there was a previous permission on the site for a new dwelling. Queries whether other sites with approval for new dwellings nearby are sustainable and highlight that Shrewley has a limited bus service.

Waste Management: No objection.

WCC Highways: No objection.

WCC Archaeology: No objection, subject to condition requiring the provision of a programme of archaeological works.

WCC Ecology: No objection, subject to conditions and note.

Assessment

Principle of the Development

The relevant Local Plan Policy in relation to residential development is RAP1 - 'Directing New Housing'. The proposals would be contrary to Policy RAP1. However, the National Planning Policy Framework (NPPF) 2012 states (para. 49) that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites against their housing requirement.

Whilst significant steps have been made towards meeting a five year housing land supply an analysis of all current information indicates that the District Council are not able to demonstrate a five year supply of deliverable housing sites.

Accordingly Policy RAP1 is to be considered out-of-date and in these circumstances the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development (paragraph 14). However, footnote 9 lists exemptions to this, with Green Belt land being excluded. The Framework explains that there are three dimensions to the concept of sustainable development: economic, social and environmental.

Therefore the main assessment of this application is, whether, in the absence of a five year supply of housing, any adverse impacts of the proposed development, having particular regard to the effect upon the Green Belt, the character and appearance of the area and whether the location is sustainable, would significantly and demonstrably outweigh the benefits of the scheme.

The current policy position

The current Local Plan covered the period 1996-2011 and therefore makes no provision for future housing needs. This forms the Development Plan, which decisions should be made in accordance with, unless material considerations

indicate otherwise. The NPPF is a material consideration, as are other policies under preparation such as the emerging Local Plan. The proposed change of use would not conform with Emerging Local Plan Policy H1 - 'Directing New Housing', which has some weight given the emerging Local Plan is subject of examination.

Green Belt

The National Planning Policy Framework (NPPF) states that the essential characteristics of Green Belt are openness and permanence. It sets out that there is an objection in principle to inappropriate development within the Green Belt.

The proposed change of use from an outbuilding serving the main property to a separate dwelling would not harm the openness to the Green Belt; there will be no extensions to the outbuilding which would generally retain the same external appearance. Existing hard standing which serves the main dwelling would provide driveway parking and therefore it is considered that there would be no harm to the openness of the Green Belt as a result of the proposed change of use.

Sustainability

Paragraph 34 of the NPPF states that plans and decisions should ensure developments that generate significant movements are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. Paragraph 55 of the NPPF seeks to promote sustainable development in rural areas and states that LPA's should avoid new isolated homes in the countryside.

Whilst the site is not isolated in terms of its location to other residential properties, the proposed dwelling would be located outside of the village envelope of Little Shrewley, which has no services of its own, and there is no regular bus service which would allow residents sustainable access to nearby areas for services or for work. The site is therefore highly likely to be car dependant.

The existing outbuilding is of substantial construction and appears to be in good condition. It is considered that there would be no material benefits to the appearance of the site as a result of the proposed change of use.

Cllr Gallagher supports the proposed change of use as there was a previous permission on the site for a new dwelling. Cllr Gallagher has highlighted that there are other sites nearby with planning permission in locations which she considers to be less sustainable than the application site. The previous permission for the conversion of the outbuilding into dwelling for occupation by an invalid relative (W/83/0896) was approved over 30 years ago in 1983, prior to the adoption of the current local plan, but more pertinently, prior to the adoption of the NPPF. Planning policies have changed significantly over this period with a much stronger emphasis now placed on sustainable development. The sustainability of the site would not have been assessed under the previous application and the scheme was not implemented. It is therefore considered that the previous permission should be attributed very little weight. Furthermore, Cllr

Gallagher has not provided the addresses of nearby dwellings which she states have recently received planning permission, so no further comment can be made in relation to these sites.

The agent has provided a planning statement which states that there would be an overall net reduction of 5,000 miles of car trips per year as a result of the change of use of the coach house to a separate dwelling. The applicant's personal circumstances are presented as extenuating circumstances to overcome the Council's concerns regarding the sustainability of the site. However, National Planning Policy Guidance ("the NPPG") advises against granting planning permission solely on the grounds of an individual's personal circumstances. The NPPG provides that there may be *"exceptional occasions where granting planning permission for development that would not normally be permitted on the site could be justified on planning grounds because of who would benefit from the permission"*. The NPPG provides the example of *"conditions limiting benefits to a particular class of people, such as new residential accommodation in the open countryside for agricultural or forestry workers, may be justified on the grounds that an applicant has successfully demonstrated an exceptional need"*. The Council considers that it has not been demonstrated by the applicant that there are exceptional circumstances which justify granting permission on the basis of the applicant's mother personal circumstances.

Furthermore, the agent also details in the planning statement that they consider that the location is sustainable owing to the local services (including shops, primary school, village halls, bus services and train services) within walking distance of the application site. However, there are no pavements along Mill Lane, which would make walking to these services dangerous and unlikely. It is highly unlikely that the occupants of the new dwelling would walk to these local services and therefore the dwelling would be car dependant.

The agent has proposed that a condition could be imposed to limit occupation of the new dwelling to parents of the occupiers of the existing dwelling. However, para 015 of the NPPG makes it clear that unless the permission otherwise provides planning permission runs with the land and it is rarely appropriate to provide otherwise unless there are exceptional circumstances.

The proposal for a dwelling on the site is unacceptable in principle and it is not considered that a personal permission will make it acceptable in planning terms. It is the type of case that could be made time and again and would set an undesirable precedent for new dwellings being created in locations where they should not be.

There are no exceptional circumstances which have been presented which demonstrate the need for the applicant's mother to live at the coach house independently. The site is not considered to be located within a sustainable location and the reduced number of trips that the family would undertake is not justification to approve a new dwelling in an isolated location. The provision of an additional dwelling in this location is therefore considered to contravene the aims and objectives of paragraph 55 of the NPPF 2012. The proposal constitutes an unsustainable form of development.

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 upon 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.

The proposed change of use would require the insertion of rooflights and minor alterations to the fenestration of the existing outbuilding. So long as these are constructed from matching materials to those of the existing building, which could be conditioned, the design is considered to be acceptable and would not be harmful to the street scene.

The design is considered to be acceptable and conforms with Local Plan Policy DP1 and the NPPF.

Impact on Neighbouring Residential Amenity

There are no nearby neighbours which could be impacted as a result of the proposed change of use.

Archaeology

WCC Archaeology have commented on the application and note that building in question is shown on the 1st edition 1:10,560 Ordnance Survey map for this area indicating that it existed by the later 1880's. The proposed development is likely to alter, damage or obscure elements of the historic building fabric, which are important in understanding the nature, extent and function of this structure. They therefore propose a condition for the provision of a programme of archaeological investigation.

Highway Safety

The Highway Authority have been consulted and consider that no harm would be caused to vehicular or pedestrian safety as a result of the proposed additional dwelling.

Renewables/ Fabric First

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 information has been provided in reference to this matter, however, a condition can be imposed to ensure that the required level of energy saving will be achieved.

Waste

There is ample space within the boundaries of the site to store waste and it is noted that Waste Management have no objection to the proposed change of use.

Ecology

There have been substantial negotiations between the applicant's and Council's ecologists to ensure that protected species would not be harmed as a result of the proposed change of use. Following submission of further details by the applicant's Ecologist, it has been agreed that conditions can be added to any approval granted to ensure that the development is carried out in accordance with the mitigation measures proposed in the report submitted. The Council's ecologist also recommends the inclusion of a nesting bird note.

REFUSAL REASONS

- 1 Paragraph 55 of the National Planning Policy Framework 2012 seeks to promote sustainable development in rural areas and avoid new isolated homes in the countryside. None of the special circumstances identified within Paragraph 55 are considered to have been met and the building is located in an isolated location outside of a village, with no easy access to services or public transport. Whilst the site is not isolated in terms of its location to other residential properties, the proposed change of use to provide one dwelling would be located outside of the village of Little Shrewley with no pedestrian access to local services and would not allow residents sustainable access to nearby areas for services or for work. There are no extenuating circumstances which have been presented which demonstrate the need for the applicant's mother to live at the coach house independently. The site is not considered to be located within a sustainable location and the reduced number of trips that the family would undertake is not considered sufficient justification to approve a new dwelling in an isolated location. The site is therefore highly likely to be car dependant. The provision of a dwelling in this location is therefore considered to contravene the aims and objectives of paragraph 55 of the NPPF 2012.

Planning Committee: 10 January 2017

Item Number: 12

Application No: [W/16/1906](#)

Town/Parish Council:	Leamington Spa	Registration Date:	19/10/16
Case Officer:	Holika Passi	Expiry Date:	14/12/16
	01926 456541 holika.passi@warwickdc.gov.uk		

32B Kenilworth Road, Leamington Spa, CV32 6JE
Erection of two storey rear extension FOR Mr Dhaliwal

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The proposal is for a two storey extension to the front elevation of the dwelling (and the rear elevation of the overall building and the existing rear wing) and internal layout changes. The scheme has been amended from the previously refused application by omitting the two pitched roof dormers to both planes of the existing main roof, and hence addressing the reason for refusal for the previous application.

As part of the new layout, the bedroom at second floor will change to a study, and a new larger bedroom will be accommodated within the first floor extension. All matching materials are proposed (render and tiles). There will be no increase in the total number of bedrooms which remains at one. The previous approval included a single storey extension with the same footprint as the proposed two storey extension.

THE SITE AND ITS LOCATION

The application property is situated to the rear wing of a villa on the east side of Kenilworth Road in the Royal Leamington Spa Conservation Area. Large villas of the same design and style are characteristic of the road and immediate area. The existing rear wing has no direct impact upon the street scene. The orientation of the property at No. 32B is that the front of the dwelling is on the rear elevation of the building.

PLANNING HISTORY

W/16/0715 - 32B Kenilworth Road - Erection of two storey side extension and front and rear dormers - Refused for the following reason:

"Policy DAP8 of the Warwick District Local Plan 1996-2011 requires development to preserve or enhance the special architectural and historic interest of the District's Conservation Areas. The application property forms part of a detached Regency Villa situated within a run of similar detached Regency Villas within the Royal Leamington Spa Conservation Area, where there is a distinct absence of dormer windows. The proposed development includes the provision of dormer windows. In the opinion of the Local Planning Authority the proposed development by reason of the introduction of an incongruous and alien feature, together with the scale of the rear extension would harm the character and appearance of the building and this part of the Conservation Area. The development is thereby considered to be contrary to the aforementioned policy".

W/15/0411 - 32B Kenilworth Road - Erection of single storey extension - Granted

W/09/0213 – 32 Kenilworth Road - Proposed change of use of rear wing from its lawful use of one 2 and one 1 bed flats (planning permission W2007/0777) to one 2 and one 1 bed mews dwellings, involving the alterations to the existing unauthorized two four bed dwellings together with the proposed retention of 3 car parking spaces and a proposed fence in the rear garden subdividing private from communal gardens - Granted

W/07/2034 - 32 Kenilworth Road - Conversion of rear wing to form two mews dwellings; single storey side extension; and relocation of communal bin store (part retrospective application) - Refused. Appeal Dismissed

W/07/0588 - 32 Kenilworth Road - Conversion of rear wing to form two mews dwellings, provision of additional car parking and relocation of communal bin store (part retrospective application) - Refused. Appeal Dismissed

Within these appeals, a conclusion was reached that there was a need to strike a fine balance between the suitable intensity of the development of the site with the impact on the Conservation Area, the need for an appropriate level of parking while securing a suitable level of and space for landscaping and a retained/reinstated amenity area. A 2009 application (for a change of use of the rear wing to 2 mews dwellings and other aspects) reached achieved these fine balances and was granted and implemented. This involved 3 spaces being retained to the rear of the site, and an area of landscaping for a communal garden area was also proposed to the 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)
- 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)
- 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)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- Guidance Documents
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Vehicle Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: Objects on grounds that the scale and form of the proposed rear extension would harm the character and appearance of the building and this part of the Conservation Area in contravention of Policy DAP8.

WCC Ecology: No objection, subject to bat and bird notes

Public Response:

8 Letters of objection have been received on the following grounds:

- Parking already constrained and would be exacerbated if more people live in the property, and assumes this will be the case as it is larger.
- Noise due to lack of sound proofing in walls.
- Unsightly and detrimental to the character of the area and the Conservation Area, even while not visible from the road.
- Comments surrounding issues of procedure of previous applications
- Comments surrounding history on the site (particularly refusals and dismissed appeals).
- Comments on neighbour involvement in the planning of the site, and their resistance to various historical applications and works.
- High density already reached on site, this will further increase the density

5 Letters of support have been received on the following grounds:

- In support now that dormers are removed from the scheme.
- Next door neighbour at No. 30 supports development.

- 2 adjoining neighbours at No. 32 support the application.
- It is of a discrete character within the context of the building and the surrounding properties and is proposed to be painted to match the building, and will be a visual improvement which will integrate well with the single storey extension and the main building.
- Will not cause harm to the Conservation Area.
- In support of extensions in a housing crisis if done tastefully.
- Will cause no harm to outlook.
- Questions of reasons for resistance of various neighbours.

KEY ISSUES

Assessment

Design and Impact on the Conservation Area

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.

Objections have been raised on grounds that the site is being overdeveloped. However, the principle and footprint of a further extension has already been established by the approval of permission ref: W/15/0411 and the current application merely seeks to extend above this.

The proposed design of the extension is subservient and considered acceptable in accordance with the Residential Design Guide SPG. The pitch and shape of the gable roof matches the main roof. While the original villa has already been extended, the new extension to this dwelling is not considered disproportionate in width or depth. Therefore despite objections stating the proposal to being unsightly and harmful, Officers view is that the new extension at first floor will preserve the character and appearance of the Conservation Area.

Impact on Neighbour Amenity

The first floor window to the south elevation will look out onto the applicant's own garden and the two first floor side windows to the east elevation will look out onto the shared car park area and open communal area and it is therefore considered that there will be no material harm caused by reason of overlooking or loss of privacy. The first floor window proposed to the bedroom on the north elevation faces one window at first floor on the adjacent building at No.34, and therefore this window will be obscure glazed and secured by condition as such. Objections have been raised on grounds that noise will increase if the number of residents increases. However, as the residential use is established a refusal on

such grounds would be unreasonable. In any case, the number of bedrooms will not increase as part of this development, and therefore the number of residents is unlikely to increase.

There will be no loss of light to Flat 4, 32 Kenilworth Road due to the position, scale and orientation of the property and the proposed extension, and its distance from other units and properties, and it is not considered that there will be any further impact than the existing building in terms of loss of light. There will also be no breach of the 45 degree line to the rear habitable room windows of the adjacent properties.

Parking and Landscaping

As the footprint for the proposed extension is the same as the extension approved in 2015 and there is no increase in bedrooms, the parking requirement remains as it existing.

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 proposal is considered to be of an acceptable design which will preserve the character and appearance of the Conservation Area and there will be no material harm to the living conditions of neighbouring occupiers.

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 development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 2844-01 received on 19th October 2016 and 2844-02D received on 1st December 2016, 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 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.

- 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, shall be constructed with lead cladding to the 2 dormers.
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.
- 5 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) the window to be formed in the north elevation, in the proposed first floor bedroom facing the side elevation of No 34 Kenilworth Road hereby permitted shall only be glazed or re-glazed with obscure glass and any opening part of any window shall be at least 1.7m above the floor of any room in which the window is installed and shall be maintained in that condition thereafter without further written consent of the Local Planning Authority. **REASON:** In the interests of the amenities of the occupiers of nearby properties in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011.

Planning Committee: 10 January 2017

Item Number: 13

Application No: [W/16/1976](#)

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

Registration Date: 24/10/16
Expiry Date: 19/12/16

250 Myton Road, Warwick, CV34 6PT

Erection of a two storey side extension; single storey rear extension; tile canopy to porch and alterations to existing rear elevation (Amendment to planning permission ref: W/16/0218)). FOR Mr D Vaux

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

This application is a revised proposal from the previously approved application ref: W/16/0218 for 'Erection of a two storey side extension; single storey rear extension; tile canopy to porch and existing garage'. This planning application seeks permission for the following amendments:

- Removal of bedroom 7
- Removal of pitched roof from car port
- Extension of flat roof on the north side
- Additional roof lights
- Render to eastern elevation

THE SITE AND ITS LOCATION

The application site is located on the north side of Myton Road, Warwick. The site consists of a two-storey detached property within a predominantly residential area.

PLANNING HISTORY

W/16/0218 - Erection of two-storey side extension, single storey rear extension and tile canopy to porch and existing garage - Granted.

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)
- 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)
- Guidance Documents
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Vehicle Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

Warwick Town Council: Object on the grounds of overdevelopment

WCC Ecology: Recommend bat survey

RELEVANT PLANNING HISTORY

W/16/0218- Erection of two-storey side extension, single storey rear extension and tile canopy to porch and existing garage - Granted.

KEY ISSUES

The Site and its Location

The application site is located on the north side of Myton Road, Warwick. The site consists of a two-storey detached property within a predominantly residential area.

Details of the Development

This application is a revised proposal from the previously approved W/16/0218. This planning application has made the following amendments:

- Removal of bedroom 7
- Remove pitched roof from car port
- Extension of flat roof on north side
- Additional roof lights
- Render to eastern elevation

Assessment

The main issues in the consideration of this application are:

- Design/Scale
- Impact upon neighbouring properties

Design/Scale

The previous planning permission ref: W/16/0218 was granted for a similar proposal in the last 12 months. The current proposal is a revised scheme of that approval and is actually smaller than the approved scheme. The proposed amendments seek to remove the rear first floor extension and extend the flat roof to the single storey rear extension. This proposal also seeks to re-instate the original car port by removing the previously approved pitched roof.

The proposed extensions will be subservient to the original building in accordance with the Residential Design Guide SPG and Local Plan Policy DP1 as the new two-storey side extension is set back from the original building. The proposed side extension sits flush with the original building and mimics the roof pitch and style of the existing roof. It is considered that the proposed side extension will be an improvement over the existing as currently there are two side dormers serving a guest bedroom that overlook a plain brick wall. The new extension proposes a new front dormer in keeping with the design of the existing front elevation which will provide a better outlook than the current side dormers. A condition will be added to secure obscure glazing to the new side windows to ensure there is no additional overlooking to No.252. The proposed side extension is also smaller in width than the previously granted scheme by 0.6m at ground floor.

The flat roof to the previously approved rear extension will be extended in place of the first floor extension to the rear has subsequently been removed. The proposed rear extension will have two metal roof lights that will add a nice design feature to what could otherwise be a plain flat roof. The proposed bi-fold doors have also been widened with an additional two panes.

The proposal also seeks to introduce render on blockwork to the eastern elevation. As there is render to the existing house and within the street scene, it is considered that this would not be out of keeping with the area and would not cause harm.

The proposed works to the car port have now been removed from the previous proposal and will retain its original form and appearance.

The Town Council's objection is noted. However, it is also noted that the previously approved scheme was granted with no objection from the Town Council and it is considered that it would be unreasonable now to refuse this application based on overdevelopment when the new proposed scheme is considerably smaller in scale and breaches no planning policy or adopted guidance.

Impact upon neighbouring properties

The proposed first floor extension has a 1m gap between the side elevation and the boundary in accordance with the Residential Design Guide SPG to avoid the creation of a terracing affect with neighbouring properties.

Taken from the centre point at the nearest window from either neighbouring properties, the single storey rear extension does not breach the 45° line. Also

taken from the 1/4 point at ground floor and centre point at first floor, the two storey side extension does not breach the 45° line either. Therefore this proposal is in full accordance with the 45 degree line SPG and Local Plan Policy DP2 and would not result in any material harm to the living conditions of neighbouring occupiers.

Other matters

Given the scale of the proposal it is considered that a requirement to provide renewables/ fabric first scheme in accordance with Policy DP13 and the associated SPD would be appropriate. This can be secured by condition.

The Ecology Department have recommended a condition, which has been added.

The proposed developments will not affect the parking as the drive is large enough for more than 2 cars which accords with the Vehicle Parking Standards SPD.

Summary/Conclusion

The proposal will not affect the amenity of either neighbouring properties in terms of light and overlooking and will provide a subservient form of development to the original building and is smaller in scale than the previously approved scheme.

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 2016-1546-3F, 2016-1546-4D, 2016-1546-5F, 2016-1546-6F, 2016-1546-7D, 2016-1546-8A and specification contained therein, submitted on 24/10/2016. **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 (including demolition) shall commence unless and until a further survey of the site, to include appropriate activity surveys in accordance with BCT Bat Surveys - Good Practice Guidelines, has been carried out by a qualified surveyor, and has been submitted to and approved in writing by the local planning authority and a detailed mitigation plan including a schedule of work and timings 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.

- 4 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.
- 5 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.
- 6 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.