

Planning Committee

Tuesday 9 October 2018

A meeting of the above Committee will be held at the Town Hall, Royal Leamington Spa on Tuesday 9 October 2018 at 6.00pm.

Councillor Cooke (Chairman)
Councillor Day (Vice Chairman)

Councillor Barrott	Councillor Mrs Hill
Councillor Boad	Councillor Morris
Councillor Mrs Bunker	Councillor Mrs Stevens
Councillor Edgington	Councillor Weed
Councillor Heath	

Emergency Procedure

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

Agenda

Part A – General

1. Apologies and Substitutes

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

2. Declarations of Interest

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

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

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

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

3. **Site Visits**

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

4. **Minutes**

To confirm the minutes of the Planning Committee of 11 September 2018
(Pages 1 to 21)

Part B – Planning Applications

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

5. **W/18/0554 - Waverley Riding School, Coventry Road, Cubbington *This is a Major Application*** **(Pages 1 to 17)**
6. **W/18/0995 - Land North of Common Lane, Coventry *This is a Major Application*** **(Pages 1 to 13)**
7. **W/18/1231 - Calmonfree, Haseley Knob, Haseley** **(Pages 1 to 3)**
8. **W/18/1276 - 2 Satchwell Place, Royal Leamington Spa** **(Pages 1 to 7)**
9. **W/18/1284 – Cottage Baker, 52a Queen Street, Cubbington** **(Pages 1 to 7)**
10. **W/18/1435 - Land South of Gallows Hill, Banbury Road, Warwick *This is a Major Application*** **(Pages 1 to 28)**
11. **W/18/1520 - Falcon Barn, Birmingham Road, Haseley** **(Pages 1 to 7)**
12. **W/18/1550 - West Hill, Westhill Road, Cubbington** **(Pages 1 to 6)**
13. **W/18/1571 - 222 Rugby Road, Royal Leamington Spa** **(Pages 1 to 6)**
14. **W/18/1602 - Land adjacent, 2 Mill Road, Royal Leamington Spa** **(Pages 1 to 8)**
15. **W/18/1729 - 35 Greville Smith Avenue, Whitnash** **(Pages 1 to 3)**
16. **W/17/2398 - Red Lane, Burton Green, Kenilworth** **(Pages 1 to 8)**

Part C – Other matters

17. **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 8.45am to 5.15pm and Friday 8.45am to 4.45pm) 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.

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

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

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

Please note that the majority of meetings are held on the first floor of the Town Hall. If you feel that this may restrict you attending this meeting, please telephone (01926) 456114 prior to the meeting, so that we can assist you and make any necessary arrangements to help you to attend the meeting.

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

Planning Committee

Minutes of the meeting held on Tuesday 11 September 2018 in the Town Hall, Royal Leamington Spa, at 6.00 pm.

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

Also Present: Democratic Services Manager & Deputy Monitoring Officer – Mr Leach; Committee Services Officer – Mrs Tuckwell; Solicitor for the Council – Mr Howarth; Head of Development Services – Mr Barber; Business Manager – Development Services Manager – Mr Sahota; and Senior Planning Officer - Mr Charles.

71. **Apologies and Substitutes**

- (a) An apology for absence was received from Councillor Edgington.
- (b) Councillor Ashford substituted for Councillor Day.

72. **Declarations of Interest**

Minute Number 79 – W/18/1352 - 12 Staunton Road, Royal Leamington Spa

Councillor Barrott declared an interest because he was the Ward Councillor.

Minute Number 80– TPO 549 - Myton Hospice, Myton Lane, Warwick

Councillor Ashford declared an interest because he was on Warwick Town Council's Planning Committee when the application was discussed. He therefore believed he was predetermined and left the room whilst the item was discussed.

Minute Number 82 – W/18/1060 - 7 Lower Farm, Brownley Green Lane, Hatton

Councillor Cooke declared an interest because the applicant was well known to him. He therefore left the room whilst the item was discussed.

Minute Number 84 – W/18/1372 - Corner of Princes Drive, Coventry Road, Kenilworth

Councillor Mrs Bunker declared an interest because she was the Ward Councillor. She was also contacted by one of the objectors but had advised them of their rights to make representation to the Committee.

73. **Site Visits**

There were no site visits made.

PLANNING COMMITTEE MINUTES (Continued)

74. Minutes

The minutes of the meeting held on 14 August 2018 were proposed with two amendments: Minute 55 – Declarations of Interest: Councillor Morris declared an interest as Ward Councillor in relation to Application W/18/0893 – Warwick Castle and Grounds, Castle Hill, Warwick, and not in relation to Minute 59 & 60; and on minute 59, it was Councillor Morris who proposed the application to be refused, and not Councillor Mrs Bunker. The amendments were agreed and duly signed by the Chairman as a correct record.

75. W/17/2371 - Land at Rugby Road/Coventry Road, Cubbington

The Committee considered an application from Bellway Homes (South Midlands) Ltd for the development of 120 dwellings (including 48 affordable units), formation of single access point from Coventry Road and single access point from Rugby Road, highway works, landscaping, public open space and ancillary works.

This application was presented to Committee due to the number of objections received, including one from Cubbington Parish Council.

The officer was of the opinion that the development of these allocated sites (H25 and H26) for the construction of 120 dwellings together with the necessary infrastructure and associated works, including the provision of open spaces and SUD's was considered to be acceptable in principle, in accordance with Local Plan Policy DS11.

Officers were satisfied that the proposals provided high levels of amenity for neighbouring dwellings whilst also providing positive and suitable living conditions for future occupants in a well-designed and landscaped setting.

The proposals had a positive impact on the character and appearance of the area and were considered to be acceptable in terms of car parking and highway safety. Furthermore, the proposals were considered to be acceptable in ecological terms, subject to conditions and S.106 contributions thus ensuring that any possible impacts of the development were adequately mitigated.

Officers were satisfied that the site layout demonstrated that the land was capable of being developed for this number of dwellings without causing material harm to neighbouring amenity or the general character of the surrounding area and provided a high quality setting for future occupiers.

Appropriate contributions to offset the potential impact on infrastructure could be secured through an appropriate Section 106 agreement and detailed matters could be secured by condition.

Overall, the development was considered to accord with all relevant provisions of the Development Plan and for these reasons, it was therefore recommended that planning permission be granted.

An addendum circulated at the meeting advised that three additional consultation responses had been received from Councillor Mrs Redford, Councillor Wright and one public response.

PLANNING COMMITTEE MINUTES (Continued)

The following people addressed the Committee:

- Councillor Delow, on behalf of the Parish Council objecting;
- Miss Else, supporting.

The Committee was advised by the Senior Planning Officer that if they were minded to grant, there should be two additional conditions in respect of (1) a requirement of written approval of the proposed layout/ creation and access point on Rugby Road and Coventry Road as well as the internal roads to the requirements of Warwickshire County Council as Highway Authority; and (2) written approval of a requirement for a schedule of archaeological works on both sites. The Solicitor for the Council advised that if granted there needed to be provision to ensure the Head of Development Services was satisfied that the highway contribution was CIL compliant

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Stevens and seconded by Councillor Boad that the application should be granted as set out in the report along with the proposed additional conditions, the Head of Development to be satisfied of the requirement for CIL, conditions set out in the report.

The Committee therefore

Resolved that

- (1) W/17/2371 be **granted**, subject to a Section 106 Agreement to secure the necessary financial contributions/obligations in relation to affordable housing, sustainable drainage; biodiversity offsetting requirements; library improvements; highway improvements and sustainable travel packs; policing; health related improvements; indoor and outdoor sports provision; and public rights of way improvements; provided that the Head of Development Services is satisfied that the highway contribution is CIL compliant and the following conditions:
 - (1) the development hereby permitted shall begin no later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
 - (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) *****TO BE CONFIRMED*****, and specification contained therein, submitted on *******.
Reason : For the avoidance of doubt and to secure a satisfactory form of

PLANNING COMMITTEE MINUTES (Continued)

development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;

- (3) other than site clearance and preparation works, no works shall commence on the construction of the development hereby permitted until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;
- (4) 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 parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction; and a scheme for recycling / disposing of waste resulting from demolition and construction works. The construction method statement shall also adhere to the following restrictions:

Noise

- 1.** Work which is likely to give rise to noise off-site is restricted to the following hours: -
Mon-Fri 8 am - 5pm,

PLANNING COMMITTEE MINUTES (Continued)

Sat 8am -1pm,
no working Sundays or Bank Holidays.
2. Delivery vehicles are not allowed to arrive on site:

Mon – Fri before 8am or after 4.30 pm

Sat before 8am or after 1 pm

No deliveries on Sundays or Bank Holidays.

3. Delivery vehicles are not be permitted to wait outside the construction site before the site is open for working.

4. Best practicable means shall be employed at all times to control noise.

The Contractor shall employ the best practicable means to reduce to a minimum the noise produced by his operations and shall comply with the general recommendations in BS 5228: 1984 'Noise Control on Construction and Open Sites'.

Without prejudice to the generality of the Contractor's obligations imposed by the above statement, the following shall apply:-

5. All vehicles, mechanical plant and machinery used for the purpose of the works associated with the Contract shall be fitted with proper and effective silencers and shall be maintained in good and efficient working order.

6. All compressors shall be "noise reduced" models fitted with properly lined and sealed acoustic covers which shall be kept closed whenever the machines are in use and all ancillary pneumatic percussion tools shall be fitted with mufflers or silencers of the type recommended by the manufacturers.

7. Whenever possible only electrically-powered plant and equipment shall be used.

8. Acoustic screens shall be used to protect any noise sensitive development where deemed necessary by the Head of Health and Community Protection for Warwick District Council or his representative.

9. All plant and machinery in intermittent use shall be shut down in the intervening periods between work.

Dust

10. Unloading shall only take place within

PLANNING COMMITTEE MINUTES (Continued)

the site itself.

11. Regular sweeping of access roads to the site must be carried out where mud is likely to affect residents and/or highway safety. In dry conditions damping down of road surfaces should be carried out to control dust. A vehicle wheel wash will be provided to minimize carry-over to the highway.

12. On-site dust shall be controlled by use of "best practicable means" to prevent dust arising from road surfaces, wind whipping of stock piles, handling of dusty materials, crushing, compacting and cutting and grinding operations.

Smoke

13. There shall be no burning on site

Light

15. External work lighting, flood lighting, security lights must not cause light nuisance to neighbouring occupiers. Particular attention must be paid to the siting and orientation of lights to avoid glare.

Other measures may be necessary to prevent nuisance subject to the nature of the construction work and site location. Further advice can be obtained from ehpollution@warwickdc.gov.uk

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

- (5) no part of the development hereby permitted shall be commenced until a detailed soft landscaping works in the approved application documents. Details of hard landscaping plan have been submitted to and approved in writing by the Local Planning Authority. The details shall include updated landscaping details to include local species appropriate for the site location, including full details of all works to enhance existing boundaries. All planting shall be carried out in accordance with the approved details in the first

PLANNING COMMITTEE MINUTES (Continued)

planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area, in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029;

- (6) no development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted 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. Infiltration testing, in accordance with BRE Digest 365 Soakaway Design guidance, to be completed and results submitted to demonstrate suitability (or otherwise) of the use of infiltration Sustainable Drainage Systems (SuDS).
 - b. Demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C753 The SuDS Manual.
 - c. 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.

PLANNING COMMITTEE MINUTES (Continued)

- 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 storms 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. If discharging to a drainage system maintained/operated by other authorities (internal drainage board, highway authority, sewerage undertaker), evidence of consultation and the acceptability of any discharge to their system is presented for consideration.
- f. Demonstrate the proposed allowance for exceedance flow and associated overland flow routing.
- g. Provide a Maintenance Plan to the LPA giving details on how the entire surface water system 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 onsite (outside of individual plot boundaries) shall be provided to the LPA.

Reason: To ensure appropriate drainage solutions are provided on site in accordance with Policies FW1 and FW2 of the Warwick District Local Plan 2011-2029;

- (7) the development hereby permitted shall not commence until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented in strict accordance with the approved details. **Reason:** In the interests of fire safety;
- (8) the development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the

PLANNING COMMITTEE MINUTES (Continued)

Council's adopted Low Emission Strategy Guidance for Developers (April 2014) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan;

- (9) no part of the development hereby permitted shall be commenced until a scheme for the provision of suitable nesting boxes for swallows to be erected on new buildings within the site has been 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 platform(s)/box(es) shall be installed and maintained in perpetuity. **Reason:** To ensure that protected species are not harmed by the development in accordance with Policies NE3 and NE4 of the Warwick District Local Plan 2011-2029;
- (10) the development hereby permitted shall not commence until details of all external light fittings and external light columns 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. In discharging this condition the District Planning Authority expects lighting to be restricted on the eastern and southern boundaries and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats. This could be achieved in the following ways:
- Lighting should be directed away from vegetated areas
 - Lighting should be shielded to avoid spillage onto vegetated areas
 - The brightness of lights should be as low as legally possible;
 - Lighting should be timed to provide some dark periods;

PLANNING COMMITTEE MINUTES (Continued)

- Connections to areas important for foraging should contain unlit stretches.
Reason: In accordance with NPPF, ODPM Circular 2005/06 and Policies NE3 and NE4 of the Warwick District Local Plan 2011-2029;

- (11) no works to commence on site, including site clearance, until a combined ecological and landscaping scheme has been submitted and agreed between the applicant and the local planning authority (with advice from WCC Ecological Services). The scheme must include all aspects of landscaping including details of species planting and habitat enhancements. The agreed scheme to be fully implemented before/during development of the site as appropriate.
Reason: In accordance with NPPF, ODPM Circular 2005/06 and Policies NE3 and NE4 of the Warwick District Local Plan 2011-2029;

- (12) no development or other operations (including demolition, site clearance or other preparatory works) shall commence unless the tree protection measures identified in the approved application documentation have been put into place in full accordance with the approved details and thereafter shall remain in place for the full duration of any such construction work. In addition no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s).
Reason: In order to protect and preserve

PLANNING COMMITTEE MINUTES (Continued)

existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029;

(13) a requirement of written approval of the proposed layout/ creation and access point on Rugby Road and Coventry Road as well as the internal roads to the requirements of Warwickshire County Council as Highway Authority; and

(14) written approval of a requirement for a schedule of archaeological works on both sites.

(2) should a satisfactory Section 106 Agreement not have been completed by 12 October 2018, Planning Committee are recommended to delegate authority to the Head of Development Services to **refuse** planning permission on the grounds that the proposal makes inadequate provision in respect of the issues the subject of that agreement.

76. W/18/1071 – 121-123 Warwick Road, Kenilworth

The Committee considered an application from Mr J R Gill Investments Ltd for the variation of condition 2 (plan numbers) of planning permission ref: W/17/1828 (Change of use, conversion and extension of restaurant building (Use Class A3) with associated works to provide 6no. cluster flats providing a total of 23no. bedrooms for use as student accommodation) to allow for alterations to windows; an additional floor providing three additional bedrooms (total 26no.) and an additional car parking space together with rearrangement of the bin and cycle storage areas.

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

The officers were of the opinion that the principle of development was considered acceptable having regard to the applicable policies. There would be no material harm caused to the character of the wider area, the amenity of neighbouring properties or the highway network. Suitable planning conditions could shape and mitigate the development and therefore, it was considered to represent a sustainable form of development overall. Officers recommended that planning permission should be granted.

An addendum circulated at the meeting advised that one additional public response had been received objecting to the proposal.

The following people addressed the Committee:

- Councillor Illingworth, Town Council objecting;
- Mr Tyler, supporting.

PLANNING COMMITTEE MINUTES (Continued)

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Mrs Bunker and seconded by Councillor Barrott that the application should be refused because it was contrary to the Parking Standards, and it did not meet Policy BE3 by not providing suitable amenity for the future users of the site.

The Committee therefore

Resolved that W/18/1071 be **refused**, contrary to the recommendations in the report because

- (1) it was contrary to the Parking Standards; and
- (2) it did not meet Policy BE3 by not providing suitable amenity for the future users of the site.

77. W/18/1180 – Faerie Tale Farm, Rouncil Lane, Kenilworth

The Committee considered an application from Faerie Tale Alpacas Limited for the retention of a timber cabin for occupation by a rural worker on a permanent basis.

This application was presented to Committee as it was recommended for refusal and over five letters of support had been received.

The officer was of the opinion that, given the lack of financial soundness of the business, there was not considered to be sufficient weight to overcome the harm to the Green Belt by the retention of the cabin on a permanent basis and as such there was, in principle, an objection on these grounds. The siting and access arrangements were also considered harmful, although they could potentially be addressed through amended plans.

An addendum circulated at the meeting advised of a further response received from the agent, contesting the Council's Agricultural Consultant's latest comments. Two additional letters of support had also been received.

The following people addressed the Committee:

- Councillor Mrs Gee, Parish Council objecting;
- Mr Vaidya, supporting;
- Councillor Mrs Gallagher (Ward Councillor Objecting)

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

The Committee therefore

Resolved that W/18/1180 be **refused**, in accordance with the recommendations in the report because:

The application site is within the Green Belt, wherein the Planning Authority is concerned to ensure that the rural character and openness of the area will be

PLANNING COMMITTEE MINUTES (Continued)

retained and protected in accordance with the National Planning Policy Framework. The provision of a new building represents inappropriate development which is by definition harmful unless certain exceptions are met.

Paragraph 79 of the NPPF states that new isolated homes should be avoided within the countryside unless there are special circumstances to justify them, such as the essential need for a rural worker to live permanently at or near the site.

In the opinion of the Local Planning Authority, the proposed development is contrary to the NPPF as insufficient evidence has been submitted to demonstrate that the existing business is sustainable based on the financial evidence provided. The proposal is therefore considered to constitute inappropriate development in the Green Belt which would be harmful by definition and by Reason of harm to openness.

The proposal would also introduce an isolated dwelling which would not be sustainable development. No very special circumstances are considered to exist sufficient to outweigh the harm. The proposal is therefore contrary to the NPPF and Policy DS18, H12 and BE1 of the Warwick District Council Local Plan 2011-2029.

78. W/18/1349 – 199 Leam Terrace, Royal Leamington Spa

The Committee considered an application from Mr Webb for the erection of a single storey side and rear extension and single storey rear extension after demolition of existing rear structures, erection of pitched roof dormer in rear roof slope and replacement of the main roof tiles with slate.

The application was presented to Committee because the application was recommended for refusal and over five letters of support had been received.

The officer was of the opinion that the design of the proposed rear dormer and side courtyard extension was not in accordance with Warwick District Council's Residential Design Guide SPD and would result in material harm to the character and appearance of this property in the Conservation Area.

An addendum circulated at the meeting advised of an updated dormer design.

The following people addressed the Committee:

- Councillor Quinney, Ward Councillor supporting;
- Mr Rimmer, supporting.

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 Morris and seconded by Councillor Barrott that the application should be granted by virtue of Policy HE2 and because the Conservation Officer supported the application and on the advice of officers along with standard conditions.

The Committee therefore

Resolved that W/18/1349 be **granted**, contrary to the recommendations in the report and by virtue of compliance with Policy HE2, subject to the conditions below:

- (1) the development is to start no later than three years;
- (2) the work is to be completed in line with the approved drawings; and
- (3) requirement of large scale drawings of the details and materials.

(At 8.15pm the Chairman announced a comfort break and the meeting reconvened at 8.30pm.)

79. W/18/1352 – 12 Staunton Road, Royal Leamington Spa

The Committee considered an application from Mr F Roper for the proposed change of use from dwelling house (Use Class C3) to a small three bedroomed HMO (Use Class C4) (Resubmission of W/17/1539).

This application was presented to Committee due to the number of objections and because an objection had been received from Royal Leamington Spa Town Council.

The officer was of the opinion that that the proposed change of use would not create a harmful concentration of HMOs within a 100 metre radius of the site, and would not have a harmful impact on neighbouring residential amenity. The proposal provided adequate waste and cycle storage and there would be no increased demand for on-street parking. Therefore, the proposed change of use should be approved.

An addendum circulated at the meeting advised that one additional consultation response had been received from Councillor Naimo.

The following people addressed the Committee:

- Councillor Knight, Town Council objecting;
- Mr Roper, supporting; and
- Councillor Quinney Ward Councillor Objecting

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Boad and seconded by Councillor Ashford that the application should be granted as per the officer's recommendation.

PLANNING COMMITTEE MINUTES (Continued)

The Committee therefore

Resolved that W/18/1352 be **granted** in accordance with the recommendations in the report, subject to the conditions set out in the report:

- (1) the development hereby permitted shall begin no later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended); and
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing Proposed Plan, and specification contained therein, submitted on 13th July 2018. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

80. TPO 549 – Myton Hospice, Myton Lane, Warwick

The Committee considered an application regarding a confirmation of Provisional Tree Preservation Order relating to an oak tree.

This Tree Preservation Order (TPO) was presented to Committee because objections had been received to it being confirmed.

The officer was of the opinion that it was not considered that the issues raised in two letters of objection to the TPO were sufficient to outweigh the significant contribution which the apparently healthy and vigorous mature oak tree made to the public amenity in the immediate vicinity and the wider surrounding area and therefore it was expedient to confirm this TPO.

The following people addressed the Committee:

- Ms Barge, objecting.

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

The Committee therefore

Resolved that TPO 549 - Myton Hospice, Myton Lane, Warwick be **confirmed** in accordance with the recommendations in the report.

PLANNING COMMITTEE MINUTES (Continued)

81. **W/18/0554 - Waverley Riding School, Coventry Road, Cubbington** ***This is a Major Application***

This item was withdrawn from the agenda to allow further assessment of compliance with Policy H1.

82. **W/18/1060 - 7 Lower Farm, Brownley Green Lane, Hatton**

The Committee considered an application from M & A Solicitors LLP for the replacement of existing front garage door with a window, blocking up of existing rear garage window and installation of a roof light in the rear roof slope.

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

The officer was of the opinion that the proposals would have an acceptable impact on the character and appearance of the area and on the living conditions of neighbouring dwellings. Therefore, it was recommended that planning permission be granted.

An addendum circulated at the meeting advised that one additional consultation response had been received.

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

The Committee therefore

Resolved that W/18/1060 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall begin no later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings LF01, LF02, LF03A, LF04A, submitted on 4th June, 2018, LF06A, submitted on 29th August, 2018 and LF08, and specification contained therein, submitted on 29th August, 2018. **Reason :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;
- (3) no development shall be carried out on the site

PLANNING COMMITTEE MINUTES (Continued)

which is the subject of this permission, until large scale details of the window and roof light (including a section showing the window reveal, heads and sill details) at a scale of 1:5 (including details of materials and colour) have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in strict accordance with such approved details.

Reason: To ensure that the rural character and appearance of the farmhouse is protected, in accordance with Policies BE1 and BE4 of the Warwick District Local Plan 2011-2029; and

- (4) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029.

(In the absence of the Chairman and Vice-Chairman of the Committee, Councillor Boad was appointed as Chairman for this item)

83. W/18/1362 & W/18/1363 LB - 8 Savages Close, Bishops Tachbrook

These applications were withdrawn by the applicant and therefore the items were withdrawn from the agenda.

84. W/18/1372 - Corner of Princes Drive, Coventry Road, Kenilworth

The Committee considered an application from Mr C Rose for the erection of a four bedroom dwelling with associated amenity and parking.

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

The officer was of the opinion that, although adjacent to the Green Belt, the site was wholly within the urban boundary of Kenilworth and therefore the principle of housing was acceptable at this location. Consideration had been given to the scale, design and materials to be used for the dwelling and its associated landscaping given the semi-rural nature of this location. The impact on neighbouring properties and highway safety was deemed to be acceptable. Weighing all of these factors up, the scheme was recommended to be approved.

An addendum circulated at the meeting advised that one additional consultation response had been received.

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

PLANNING COMMITTEE MINUTES (Continued)

The Committee therefore

Resolved that W/18/1161 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall begin no later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (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) 17-1666/001e and 17-1666/003e, and specification contained therein, submitted on the 19th and 16th July 2018. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;
- (3) other than site clearance and preparation works, no works shall commence on the construction of the development hereby permitted until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;
- (4) 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 parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud

PLANNING COMMITTEE MINUTES (Continued)

or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction; and a scheme for recycling / disposing of waste resulting from demolition and construction works. **Reason:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1, TR3 and NE5 of the Warwick District Local Plan 2011-2029;

- (5) the development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Low Emission Strategy Guidance for Developers (April 2014) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan;
- (6) the development hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved has been submitted to and approved in writing by the Local Planning Authority. No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **Reason:** To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policy FW3 of the Warwick District Local Plan 2011-2029;
- (7) 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 the building within the site, has been submitted to and approved in writing by the District Planning Authority. The scheme to include details of box type, location and timing

PLANNING COMMITTEE MINUTES (Continued)

of works. Thereafter, the boxes shall be installed and maintained in perpetuity.

Reason: To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029;

- (8) other than site clearance and preparation works, no works shall commence on the construction of the development hereby permitted until a hard and soft landscaping plan has been submitted to and approved in writing by the Local Planning Authority. The development shall then be undertaken in strict accordance with the approved details. Details of hard landscaping works shall include boundary treatment; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029; and
- (9) 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 the building within the site, has been submitted to and approved in writing by the District Planning Authority. The scheme to include details of box type, location and timing of works. Thereafter, the boxes shall be

PLANNING COMMITTEE MINUTES (Continued)

installed and maintained in perpetuity.

Reason: To safeguard protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029.

85. Planning 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 9:26 pm)

CHAIRMAN
9 October 2018

Application No: [W 18 / 0554](#)

Town/Parish Council: Cubbington

Case Officer: Dan Charles

01926 456527 dan.charles@warwickdc.gov.uk

Registration Date: 20/03/18

Expiry Date: 19/06/18

**Waverley Riding School, Coventry Road, Cubbington, Leamington Spa,
CV32 7UJ**

Demolition and redevelopment of existing equestrian centre to provide 16 no. dwellings (Class C3); widening and improvement to existing vehicular access and road off Coventry Road; and provision of associated parking, landscaping and surface water attenuation FOR Rosconn Strategic Land

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

RECOMMENDATION

Planning Committee are recommended to GRANT planning permission, subject to the conditions listed at the end of this report and a Section 106 Agreement to secure the necessary financial contributions/obligations in relation to affordable housing, sustainable drainage; open space; sports facilities and highway improvements.

Should a satisfactory Section 106 Agreement not have been completed by 7 November 2018, Planning Committee are recommended to delegate authority to the Head of Development Services to REFUSE planning permission on the grounds that the proposal makes inadequate provision in respect of the issues the subject of that agreement.

DETAILS OF THE DEVELOPMENT

Demolition of existing commercial stables buildings and the erection of 16 dwellings along with associated landscaping and sustainable urban drainage features. The proposed dwellings are to be 10 market dwellings and 6 affordable units.

The market dwellings are to consist of 2 x two bed units, 4 x three bed units and 4 x four bed units. The affordable dwellings are to consist of 4 x two bedroom units and 2 x three bedroom units.

THE SITE AND ITS LOCATION

The site is a former equestrian stables and associated paddock land. The site is accessed from a long access track from the Coventry Road that also serves the allotment land to the front of the site.

There are a number of existing structures to be removed of varying sizes and design to make way for the dwellings.

The land is bounded on two sides by mature hedgerows and where adjacent to the paddock areas to be retained, post and rail fencing is used.

The site lies adjacent to the village boundary of Cubbington and is within the West Midlands Green Belt.

PLANNING HISTORY

No previous planning history.

RELEVANT POLICIES

- National Planning Policy Framework
- DS1 - Supporting Prosperity (Warwick District Local Plan 2011-2029)
- DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029)
- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- DS6 - Level of Housing Growth (Warwick District Local Plan 2011-2029)
- DS7 - Meeting the Housing Requirement (Warwick District Local Plan 2011-2029)
- DS18 - Green Belt (Warwick District Local Plan 2011-2029)
- PC0 - Prosperous Communities (Warwick District Local Plan 2011-2029)
- H0 - Housing (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- H2 - Affordable Housing (Warwick District Local Plan 2011-2029)
- H4 - Securing a Mix of Housing (Warwick District Local Plan 2011-2029)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR2 - Traffic generation (Warwick Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029)
- HS2 - Protecting Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- HS3 - Local Green Space (Warwick District Local Plan 2011-2029)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- HS7 - Crime Prevention (Warwick District Local Plan 2011-2029)

- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029)
- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)
- HE4 - Archaeology (Warwick District Local Plan 2011-2029)
- NE1 - Green Infrastructure (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)
- DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Parking Standards (Supplementary Planning Document)
- Distance Separation (Supplementary Planning Guidance)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)

SUMMARY OF REPRESENTATIONS

Cubbington Parish Council: No objections.

Councillor Trevor Wright: The development would provide a solution to the current condition of the site as it lies on the edge of the development area in the Local and Neighbourhood Plan. Matters relating to drainage and access should be considered in line with existing practices.

WCC Highways: Following the submission of a transport statement and Road Safety Audit - No objection subject to conditions and a contribution to local highways improvements.

WCC Fire and Rescue: No objection subject to fire hydrant/water supply condition.

WCC Landscape: Additional and revised planting required to provide appropriate landscaping treatment.

WDC Environmental Protection: No objection subject to Low Emission Strategy and Construction Management Plan conditions.

WCC Ecology: No objection subject to conditions.

Natural England: No comments.

WCC Flood Risk Management: Following the receipt of additional drainage information, no objection subject to detailed condition.

WCC Archaeology: No objection subject to a Written Scheme of Investigation Condition.

WDC Housing Strategy: Welcome commitment to provide affordable housing in line with Policy H2.

WDC Green Space: Recommend S106 request towards local open space to be identified by Parish Council.

WDC Sports and Leisure: Recommend S106 request towards improvements to existing sporting facilities.

Warwickshire Police: No request for contributions.

NHS (Hospitals): No request for contributions.

NHS (Primary Care): No request for contributions.

WCC Infrastructure: No request for contributions.

Public Response: 7 letters of Objection and 3 Neutral comments received making the following comments:-

- Loss of access to existing allotments.
- Loss of allotment land to create access.
- Access to the site is dangerous.
- Site is not allocated in the Local Plan.
- No need for additional housing in Cubbington.
- Contrary to Green Belt Policy.
- Increased noise and pollution from the use of the access.
- Could increase surface water flooding on Coventry Road.
- Inadequate landscape detail as to how hedges are to be improved.
- Harm to outlook from adjacent properties.
- Too near to the route of HS2.
- Need to ensure that an appropriate lighting solution is provided to prevent light pollution.

ASSESSMENT

Principle of Development

New dwellings

The site lies outside, but adjacent to the development boundary of Cubbington which is identified in the Local Plan as a Growth Village where new residential development may be permitted in accordance with Policy H1. As the proposal is outside of the growth village boundary, the site is defined as open countryside.

Policy H1 (d) allows for development in an open countryside location where:-

- i. the site is adjacent to the boundary of the urban area or a growth village, and
- ii. there is an identified housing need to which the proposed development can contribute, and
- iii. the proposal is for a small scale development that will not have a negative impact on the character of the settlement and the capacity of infrastructure and services within the settlement, and
- iv. the proposal is within a reasonable safe walking distance of services (such as school and shop) or is within reasonable safe walking distance of a public transport interchange providing access by public transport to services, and
- v. the proposal will not adversely affect environmental assets (including areas of ecological value, areas of high landscape value and designated heritage assets) unless these can be suitably mitigated in line with other policies in the Plan.

The application site lies immediately adjacent to the growth village envelope of Cubbington and Officers are satisfied that this meets the criteria set out in Paragraph d(i) of Local Plan Policy H1.

In terms of meeting an identified housing need, Cubbington had a Housing Needs survey conducted in 2016 which identified a modest local need. Officers consider that the Local Need can be satisfactorily accommodated on the allocated housing sites within the village which provide for 120 new dwellings, including 40% affordable units (48 units).

However, this site would contribute to the identified Windfall requirements of the District which is identified as 1010 dwellings within the Local Plan. Document HO29PM of the evidence base to the Local Plan identifies that windfall sites including the redevelopment of rural brownfield sites are included within the projected windfall requirements. Paragraph d(ii) of the Policy refers to a Housing Need and not specifically a local Housing Need. Furthermore, the development will secure an additional 6 units of affordable housing for the village. Officers are therefore satisfied that the proposal meets the requirement as set out in Paragraph d(ii) of Local Plan Policy H1.

The proposal comprises small scale development within the terms identified by the NPPF (up to 50 dwellings) and is not considered to have a negative impact on the character of the settlement – as set out later in this report, in visual terms the development is considered to represent a visual improvement. Officers are therefore satisfied that the proposal meets the requirement as set out in Paragraph d(iii) of Local Plan Policy H1.

Again as considered later in this report, the proposal is considered to be acceptable in infrastructure capacity terms and is not so distant from access to local services to be considered unacceptable. Officers are therefore satisfied that the proposal meets the requirement as set out in Paragraph d(iv) of Local Plan Policy H1.

Finally in environmental terms, the proposal is considered to represent an improvement from the current position. Officers are therefore satisfied that the proposal meets the requirement as set out in Paragraph d(v) of Local Plan Policy H1.

In making an assessment of this site, the proposal represents a complete redevelopment of an existing brownfield site that shares a conterminous boundary with the edge of the settlement. The site also shares a close relationship with existing dwellings adjacent that lie adjacent to the site. Officers are therefore satisfied that the proposal accords with the requirements of Policy H1 and is therefore acceptable in principle.

Loss of equestrian use

Policy HS2 of the Local Plan seeks to resist the loss of existing recreational facilities except where it can be demonstrated that an appropriate alternative can be provided or where there is a robust assessment demonstrating a lack of need for the facility, currently or in the future.

The applicant has provided a justification for the loss of the existing facility that covers a number of factors. Firstly, following flood damage to the site, many users of the facility moved to alternative facilities in the local area. The flood damage has also been assessed and the renovation works required would be unviable for the business due to the loss of income.

The applicant has provided evidence that there are many alternative facilities within the local area that offer the same service but with better facilities which the current site cannot compete with due to the flood damage mentioned.

It is also the intention of the application to retain the livery service in the surrounding paddocks that would retain the equestrian use of the area.

Having considered these options and having visited the current facility, Officers are satisfied that the applicants have justified the loss of the facility in accordance with Policy HS2.

Whether the proposal constitutes appropriate development in the Green Belt

As the site lies within the West Midlands Green Belt, the proposal must be assessed against Policy DS18 of the Local Plan. The policy states that development must be in accordance with the National Planning Policy Framework (NPPF) Green Belt provisions. The NPPF places great weight on the importance of Green Belts and the fundamental aim is to prevent urban sprawl by keeping land permanently open. Paragraph 145 states that new buildings are inappropriate development in the Green Belt unless listed as one of the 6 exceptions set out within the Paragraph.

Stipulation g) of Paragraph 145 allows for "limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in

continuing use (excluding temporary buildings)” where the following requirements are met;

- not have a greater impact on the openness of the Green Belt than the existing development; or
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

The application site is an equestrian site which is considered to fall within the definition of Previously Developed Land.

In terms of the assessment, the application has been submitted with a detailed analysis of the existing buildings on the site where the relative building footprints and volumes have been calculated and the proposal would result in a decrease in overall built floorspace of 188 square metres (13.2%) and volume of 461 cubic metres (6.5%) across the site. In addition the proposed dwellings would not exceed the highest buildings that currently exist on the site. The proposed built form is also contained within the footprint of the existing buildings on the site.

Overall, Officers are satisfied that the proposed development accords with the requirements of Paragraph 145 of the NPPF and is therefore considered to represent appropriate development within the Green Belt.

Impact on visual amenity and the character of surrounding area

Policy BE1 of the Warwick District Local Plan states that new development should positively contribute to the character and quality of its environment. The policy requires the provision of high quality layout and design in all developments that relates well to the character of the area.

The current site has a varying range of buildings that have built up in a piecemeal way. The existing site offers little in terms of visual quality. The removal of the current range of buildings would be beneficial in terms of wider visual amenity.

The proposed development of 16 dwellings has been designed around a central courtyard style layout with the housing facing inwards. This allows for the rear gardens to abut the open countryside giving a softer edge to the development.

The dwellings are proposed in a traditional rural style with simple design features and plan forms. The dwellings are built with a similar design ethos to create a harmonious development with subtle design differences to add some individuality between the plots. Subject to the use of high quality materials, the design and appearance of the dwellings is acceptable.

The Landscape Officer has raised some concern with the type and form of some of the proposed planting. Adjacent properties have also raised some concern regarding the treatment of the intervening boundary between the site and

existing properties. On this basis, Officers recommend that a landscaping condition is sought to update the current landscaping proposals with additional details.

Impact on adjacent properties

Policy BE3 of the Warwick District Local Plan states that new development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents.

The proposal is screened from the adjacent development by a mature hedge interspersed with trees affording significant screening. Notwithstanding this screening, the proposed properties share a side to side relationship with the existing dwellings located to the south and have good levels of separation.

Notwithstanding the screening, Officers are satisfied that the relationship with these properties is acceptable and would not result in any harmful impact by virtue of overshadowing or overbearing impact.

Amenity of future residents

The majority of properties share a side to side relationship through the development and this is considered acceptable.

In the circumstances where properties have a front to front relationship at the closest point, this will be a separation of 18 metres. In assessing this, Officers are satisfied that due to the location of the roadway through the development, this distance would not result in harm to the amenity of occupiers of the new dwellings as the public areas would afford visibility of these properties.

All of the proposed garden areas afford sufficient private amenity space to the rear as well as additional front garden areas to some of the plots.

Highway Safety

Policy TR1 of the Warwick District Local Plan requires all developments provide safe, suitable and attractive access routes for all users that are not detrimental to highway safety. Policy TR3 requires all development proposals to make adequate provision for parking for all users of a site in accordance with the relevant parking standards.

The County Highways Officer originally raised objection to the proposal on the basis of potential traffic impact as a result of the development together with the impact on highway safety at the access to the site with the Coventry Road.

The applicants have been in detailed discussions with the County Highways Officer to seek a solution. Following these discussions, the applicants have provided detailed data that demonstrates that the operation of the existing stables has the potential to result in significantly more vehicle movements than the proposed 16 dwellings and that these movements have the potential to

include large, slow moving vehicles (horse boxes etc) that would be more harmful to highway safety than the proposed residential development and the associated domestic vehicle movements.

Having considered the above, the Highways Officer requested the submission of a Road Safety Audit of the proposed site access. This has been assessed and is considered acceptable by the County Highways Officer. As part of the consideration, it has been recommended that improvement works are secured through a financial contribution with the Section 106 Agreement.

The proposed S106 contribution request is £10,000. This contribution will be put towards the delivery of speed reduction features, including a gateway feature, dragons teeth road markings, road bend signs, and street lighting columns.

A request of £75 per dwelling (£1,200 for the 16 units) for the purposes of sustainable travel packs that promote sustainable living and deliver road safety education in the area has also been submitted.

The scheme includes the provision of improvements to the access and driveway to serve the site and these elements can be secured by condition.

Impact on Ecology/Protected Species

Policy NE3 of the Warwick District Local Plan states that development proposals will be expected to protect, enhance and/or restore habitat biodiversity and where this is not possible, mitigation or compensatory measures should be identified accordingly.

The application was submitted with an Ecological Survey of the site. This has been assessed by the County Ecologists who have assessed the proposal against the records held at the Warwickshire Biological Record Centre. No objection has been raised to the scheme in terms of ecological matters and protected species. A number of precautionary conditions and notes have been recommended to ensure that all works are carried out sensitively in relation to protected species and the scheme also results in biodiversity enhancements.

Subject to the imposition of the requested conditions, no objection is raised in terms of the impact on ecological matters.

Other Matters

Drainage and flood risk

The site is in Flood Zone 1 so a Flood Risk Assessment is not necessary. The scheme has been submitted with a proposed drainage strategy including the provision of an on-site balancing pond. Following the provision of additional information, the Lead Local Flood Authority has confirmed there is no objection to the development subject to a condition requiring the submission of a detailed drainage strategy to deal with surface water.

Subject to the imposition of this condition, the development is therefore considered to be acceptable in regards to drainage and flood risk.

Housing Mix

The market housing mix proposed is considered to be acceptable for a proposal of this size and scale.

Affordable Housing

The proposal includes the provision of 40% of the units for affordable housing in line with Policy H2 of the Local Plan. A total of 6 units are proposed to be affordable units and form a mix of 2 and 3 bedroom units.

The mix of properties has been considered by the District Councils Housing Strategy Officer and subject to agreements on tenure is considered acceptable. The affordable housing will be secured through a Section 106 Agreement.

Trees/Hedgerows

There are no trees or hedgerows within the site that are affected by the development as the area of land to be developed is predominantly covered in existing buildings to be removed.

There are a large number of trees and hedgerows on the perimeter of the site that are proposed to be retained. Appropriate protection measures can be secured by conditions to ensure that these features are protected during the development works.

Archaeology

Policy HE4 resists development that would result in significant harm to archaeological deposits. The policy requires schemes that have the potential to impact on archaeological features to be subject to an agreed scheme of archaeological works to be carried out.

The proposal has been assessed by the County Archaeologist and whilst no objection is raised to the development, it has been identified that the site is an area that maybe subject to some archaeological interest. On this basis, the Archaeologist has recommended the imposition of a Written Scheme of Investigation to require archaeological investigation works to be carried out and any mitigation measures to be identified.

Open Space

By reason of the size and nature of the site and the scale of development, it is considered appropriate that the requirement for open space provision in this instance is made through a contribution to open space within the locality.

Section 106 Agreement/Contributions

The proposed development has been considered by the statutory consultees and the following consultees have not requested any contributions due to the small scale nature of the scheme;

- Type 3 Air Quality Mitigation
- Warwickshire Police
- NHS (Hospitals)
- NHS (Primary Care)
- WCC Education
- WCC Libraries

The following contributions have been requested;

Open Space	£38,732
Sports Facilities	£14,366 (£13,233 for indoor sport, £1,133 for outdoor)
Highway Improvements	£10,000
Sustainable Travel Packs	£1,200

This will be alongside the normal Section 106 Requirements for Affordable Housing, SUDS management and the associated maintenance fee.

Conclusion

The proposal is for the re-development of an existing brownfield site within the Green Belt and as such accords with the exception tests as set out in the NPPF. The proposal is for residential development adjacent to and abutting the development boundary of the growth village of Cubbington. On this basis, Officers are satisfied that the development accords with the housing policies of the Warwick District Local Plan.

The proposals are considered to represent a visual improvement relative to the current position and provide an acceptable residential environment. Technical matters on site can be secured by appropriate conditions and the scheme would not result in harm to the visual amenity of the area, the amenity of neighbours, highway safety or matters of ecology, drainage and archaeology.

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) 3270-02H, I3270-04B, 3270-05C, 3270-06B, 3270-07A, 3270-10, 3270-11, 3270-12, 3270-13, 3270-14, 3270-15, 3270-16 and 3270-17, and specification contained therein, submitted

on 19 March 2018. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

- 3 Other than site clearance and preparation works no works shall commence on the construction of the development hereby permitted until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
- 4 No part of the development hereby permitted shall be commenced until an updated soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. in the approved application documents. The details shall include updated landscaping details to include local species appropriate for the site location, including full details of all works to enhance existing boundaries. All planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.
- 5 The development hereby permitted shall not commence until details of all external light fittings and external light columns 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. In discharging this condition the District Planning Authority expects lighting to be restricted on the eastern and southern boundaries and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats. This could be achieved in the following ways:
 - Lighting should be directed away from vegetated areas
 - Lighting should be shielded to avoid spillage onto vegetated areas
 - The brightness of lights should be as low as legally possible;
 - Lighting should be timed to provide some dark periods;

- Connections to areas important for foraging should contain unlit stretches.

Reason: In accordance with NPPF, ODPM Circular 2005/06 and Policies NE3 and NE4 of the Warwick District Local Plan 2011-2029

- 6 No part of the development hereby permitted shall be commenced until a scheme for the provision of suitable nesting boxes for swallows to be erected on new buildings within the site has been 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 platform(s)/box(es) shall be installed and maintained in perpetuity.

Reason: To ensure that protected species are not harmed by the development in accordance with Policies NE3 and NE4 of the Warwick District Local Plan 2011-2029

- 7 The development hereby permitted shall be undertaken in the presence of a qualified ecologist appointed by the applicant to supervise all destructive works to suitable reptile habitat as identified in the report 'Preliminary Ecological Appraisal' produced by Cotswold Wildlife Surveys on 8th January 2018 and inspect the buildings for evidence of nesting birds immediately prior to commencement of works. All refugia to be removed carefully by hand. Should any reptiles such as grass snake be found during this operation, then work must cease immediately whilst WCC Ecological Services are consulted for further advice. If evidence of nesting birds is found works must not proceed until outside of the nesting bird season (March to September inclusive) or until after the young have fledged, as advised by ecologist. Nesting birds are protected under the 1981 Wildlife and Countryside Act.

In order to discharge the condition above, a brief report from the ecologist must be submitted to the local planning authority within 1 month following completion of the supervised works to summarise the findings.

Reason: To ensure that protected species are not harmed by the development in accordance with Policies NE3 and NE4 of the Warwick District Local Plan 2011-2029

- 8 No works to commence on site, including site clearance, until a combined ecological and landscaping scheme has been submitted and agreed between the applicant and the local planning authority (with advice from WCC Ecological Services). The scheme must include all aspects of landscaping including details of species planting and habitat enhancements. The agreed scheme to be fully implemented before/during development of the site as appropriate. **Reason:** In

accordance with NPPF, ODPM Circular 2005/06 and Policies NE3 and NE4 of the Warwick District Local Plan 2011-2029

- 9 The development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Low Emission Strategy Guidance for Developers (April 2014) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan.

- 10 No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted and approved in writing by the Local Planning Authority (LPA) in consultation with Warwickshire County Council (WCC). The scheme shall be subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:
 - a. Infiltration testing, in accordance with BRE Digest 365 Soakaway Design guidance, to be completed and results submitted to demonstrate suitability (or otherwise) of the use of infiltration Sustainable Drainage Systems (SuDS).
 - b. Demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C753 The SuDS Manual.
 - c. 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.
 - 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 storms 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. If discharging to a drainage system maintained/operated by other authorities (internal drainage board, highway authority, sewerage undertaker), evidence of consultation and the acceptability of any discharge to their system is presented for consideration.
 - f. Demonstrate the proposed allowance for exceedance flow and associated overland flow routing.
 - g. Provide a Maintenance Plan to the LPA giving details on how the entire surface water system 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 onsite (outside of individual plot boundaries) shall be provided to the LPA.

Reason: To ensure appropriate drainage solutions are provided on site in accordance with Policies FW1 and FW2 of the Warwick District Local Plan 2011-2029.

- 11 The development hereby permitted shall not commence until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented in strict accordance with the approved details. **REASON:** In the interests of fire safety.

12

- 13 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 parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction; and a scheme for recycling / disposing of waste resulting from demolition and construction works. The construction method statement shall also adhere to the following restrictions;

Noise

1. Work which is likely to give rise to noise off-site is restricted to the following hours: -

Mon-Fri 8 am - 5pm,

Sat 8am -1pm,

No working Sundays or Bank Holidays.

2. Delivery vehicles are not allowed to arrive on site;

Mon – Fri before 8am or after 4.30 pm

Sat before 8am or after 1 pm

No deliveries on Sundays or Bank Holidays.

3. Delivery vehicles are not be permitted to wait outside the construction site before the site is open for working.

4. Best practicable means” shall be employed at all times to control noise. The Contractor shall employ the best practicable means to reduce

to a minimum the noise produced by his operations and shall comply with the general recommendations in BS 5228: 1984 'Noise Control on Construction and Open Sites'.

Without prejudice to the generality of the Contractor's obligations imposed by the above statement, the following shall apply:-

5. All vehicles, mechanical plant and machinery used for the purpose of the works associated with the Contract shall be fitted with proper and effective silencers and shall be maintained in good and efficient working order.

6. All compressors shall be "noise reduced" models fitted with properly lined and sealed acoustic covers which shall be kept closed whenever the machines are in use and all ancillary pneumatic percussion tools shall be fitted with mufflers or silencers of the type recommended by the manufacturers.

7. Whenever possible only electrically-powered plant and equipment shall be used.

8. Acoustic screens shall be used to protect any noise sensitive development where deemed necessary by the Head of Health and Community Protection for Warwick District Council or his representative.

9. All plant and machinery in intermittent use shall be shut down in the intervening periods between work.

Dust

10. Unloading shall only take place within the site itself.

11. Regular sweeping of access roads to the site must be carried out where mud is likely to affect residents and/or highway safety. In dry conditions damping down of road surfaces should be carried out to control dust. a vehicle wheel wash will be provided to minimize carry-over to the highway.

12. On-site dust shall be controlled by use of "best practicable means" to prevent dust arising from road surfaces, wind whipping of stock piles, handling of dusty materials, crushing, compacting and cutting and grinding operations.

Smoke

13. There shall be no burning on site

Light

15. External work lighting, flood lighting, security lights must not cause light nuisance to neighboring occupiers. Particular attention must be paid to the siting and orientation of lights to avoid glare.

Other measures may be necessary to prevent nuisance subject to the nature of the construction work and site location, Further advice can be obtained from ehpollution@warwickdc.gov.uk

REASON: In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual

amenities of the locality in accordance with Policies BE3, TR1, TR4 and NE5 of the Warwick District Local Plan 2011-2029.

- 14 No development or other operations (including demolition, site clearance or other preparatory works) shall commence unless the tree protection measures identified in the approved application documentation have been put into place in full accordance with the approved details and thereafter shall remain in place for the full duration of any such construction work . In addition no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **REASON:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.

 - 15 The development shall not be occupied until the site vehicular access and site layout have been constructed and laid out in general accordance with Drawing Number 17380-04-05 Revision B and Drawing Number 3270-02 Revision N, and to the standard specification of the Highway Authority. **REASON:** IN the interest of highway safety having regard to Policies TR1 and TR3 of the Warwick District Local Plan 2011-2029.
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Application No: [W 18 / 0995](#)

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

Registration Date: 29/05/18
Expiry Date: 28/08/18

Land North of Common Lane, Kenilworth

Variation of condition no. 4 (approved plans) of planning permission W/14/1340 (Erection of up to 93 dwellings together with open space, drainage infrastructure and access from Common Lane [outline application including details of access - resubmission of W/14/0618]) to remove the reference to an advanced stop line for cyclists which is no longer required as part of the highway works. FOR Mr Bryan

This application is being reported to Planning Committee because it is recommended that planning permission be granted subject to the completion of a Supplemental Deed further to the original legal agreement and subsequent Deed of Variation.

RECOMMENDATION

That, subject to the completion of a Supplemental Deed to reflect the new planning application reference, planning permission be approved subject to the conditions set out at the end of this report.

Should a satisfactory Supplemental Deed not have been completed by 30 October 2018, Planning Committee are recommended to delegate authority to the Head of Development Services to REFUSE planning permission on the grounds that, without the Supplemental Deed, there would be no link between this latter permission reference (which proposes the latest variation) and the original provisions set out within the S.106 Legal Agreement.

DETAILS OF THE DEVELOPMENT

Permission is sought to vary condition 4 of previously approved planning application ref. W/14/1340. This permission gave outline approval, with all matters reserved except for access, for the erection of up to 93 dwellings together with open space, drainage infrastructure and access from Common Lane.

The variation sought does not alter the nature of the development, which is still for the erection of 93 dwellings and for which the associated reserved matters has since been approved (W/17/1552). The proposed variation simply seeks to remove specific wording from condition 4 (*italic/underlined text below*) because those specified works are no longer required, as confirmed by the Highways Authority.

The condition as originally worded stated:

4. The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) (B.0292_13, B.0292_13-2 461095-003 Rev.H, 461095-014 submitted on 25 September 2014 and 10 November 2014. Tree removal and tree protection plan Figure 2 submitted on 25 September 2014), and advanced stop line for cyclists as shown on diagram 1001.2 submitted on 12 December 2014 and specification contained therein.

The proposal to remove the wording which is italicised and underlined above, has been brought about during the S.278 highway works being carried out by the developers, during which time it has transpired the advanced stop line for cyclists is no longer required. The rest of the condition would remain the same and no other changes to the development are sought as part of this application. The remaining details of the development remain as per the originally approved outline and subsequent reserved matters submission.

THE SITE AND ITS LOCATION

The site adjoins the north-eastern side of Kenilworth and forms a triangular piece of land between the railway cutting to the east and Kenilworth Greenway to the west. The Greenway is a linear country park, permissive bridleway, and Sustrans route 52. The southern corner of the site adjoins Common Lane.

On the opposite side of the railway are dwellings on Highland Road, and on the opposite side of the Greenway are dwellings on Woodland Road. The application site adjoins the residential curtilage of one dwelling on Redthorne Grove where there are TPO oak and horse chestnut trees close to the site boundary. There are two further TPO oak trees towards the north-eastern corner of the site.

The entire site is within Flood Zone 1. The site slopes in a north easterly direction from the south, from 92m AOD to 79m AOD towards the Canley Brook. The site is within the Feldon Parklands local landscape character area. The safeguarding route of HS2 lies 320m to the north-east of the site.

The site forms part of a housing allocation in the local plan and is largely outside of the Green Belt. The exception is a parcel of land in the north-east corner of the site where the attenuation pond is proposed. All of the housing plots and roads are outside of the Green Belt.

PLANNING HISTORY

W/14/1340 - Erection of up to 93 dwellings together with open space, drainage infrastructure and access from Common Lane (outline application including details of access) (Resubmission of W/14/0618) – Approved 23.12.2014

A subsequent application to vary the renewables condition on the above outline consent was granted in 2016 (Ref. W/16/1724).

Another application to vary the condition relating to the mix of market housing was granted in 2017 (Ref. W16/1542).

The associated reserved matters were more recently approved under ref. W/17/1552.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- DS11 - Allocated Housing Sites (Warwick District Local Plan 2011-2029)
- H0 - Housing (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- H2 - Affordable Housing (Warwick District Local Plan 2011-2029)
- H4 - Securing a Mix of Housing (Warwick District Local Plan 2011-2029)
- H10 - Bringing forward Allocated Sites in the Growth Villages (Warwick District Local Plan 2011-2029)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR2 - Traffic generation (Warwick Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)
- DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029)

Guidance Documents

- Affordable Housing (Supplementary Planning Document - January 2008)
- Parking Standards (Supplementary Planning Document)
- Open Space (Supplementary Planning Document - June 2009)

- Residential Design Guide (Supplementary Planning Document- May 2018)
- Distance Separation (Supplementary Planning Guidance)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Warwickshire Landscape Guidelines SPG
- Garden Towns, Villages and Suburbs - A prospectus for Warwick District Council (Consultation document - May 2012)

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: No objections

WCC Highways Authority: No objections

ASSESSMENT

The one main issue relevant to the consideration of this application is access, parking and highway safety

The Principle of the Development

This is an application to vary a condition attached to the previous permission for the residential development of the site. Condition 4, which stipulates the approved drawings in accordance with which the development should be constructed, is to be varied to omit the reference to the advanced stop line for cyclists shown on a specific drawing. In deciding such an application the Local Planning Authority must only consider the specific amendments being sought, i.e. the impact on highway, pedestrian and cyclists' safety. The principle of development cannot be re-considered as this remains acceptable as per the original approved permission.

The previously approved permission is extant and since there is no requirement to re-assess the principle of development it is therefore intended to address the sole key issue of highway safety and parking and any other relevant matters in this report.

Access, parking and highway safety

Both the access and the parking arrangements remain unaffected and unchanged by this latest variation proposed. The sole purpose of this variation application is to remove the reference within the approved plans condition to the advanced stop line for cyclists and thus remove the requirement for this specific aspect of the highway works to be undertaken.

The Highways Authority has advised that the inclusion of an advanced stop line for cyclists was not requested by them when assessing the original planning application. Having consulted with their Design Services Team who have been responsible for approving the Section 278 Agreement (highway) works at the proposed site access and along Common Lane, it appears that Common Lane has insufficient width to include an advanced stop line that meets the necessary

design standards. It is therefore considered that the provision of an advanced stop line could have more of a detrimental impact to public highway safety than not providing one, as it would not meet the design standards. For this reason the provision of an advanced stop line has therefore been removed from the proposed site access works.

It is important to acknowledge however that the proposed variation affects only the highway works themselves, i.e. works in closest proximity to the site access. The internal layout of the development therefore remains the same and similarly the approved footpath and cycle provisions for pedestrians and cyclists throughout the approved development remain unaffected.

Other Matters

Given the nature of the proposed variation there are no other impacts arising from this development that might have a detrimental impact on neighbour amenity, or the visual appearance and character of the surrounding area.

There are no other material changes in policy since the original decision that would lead me to reach a different conclusion on any of the key issues in the report attached to W/14/1340.

Issuing any permission under Section 73 of the Act is tantamount to issuing a new permission for the entire development. As a consequence, any decision notice must replicate all previous conditions which are still relevant. Where no longer applicable, previous conditions have not been carried forward (for example, the renewables condition) and where some conditions have been discharged and are therefore no longer pre-commencement, these have been re-worked accordingly and the order of conditions re-worked so that all pre-commencements are listed first.

The applicant must also enter into a supplementary planning agreement the purpose of which is to legally bind the existing section 106 agreement to the new permission granted under Section 73.

It is not considered there are any other new material considerations since the original permission which are relevant to this decision.

SUMMARY/CONCLUSION

The original planning permission was granted under an outline application reference W/14/1340 and the reserved matters pursuant to this outline were subsequently approved under application reference W/17/1552. The policies and material considerations that are relevant to both the outline and the reserved matters decisions are set out in the associated officer reports.

The variation of condition 4 to remove the reference to the advanced stop line for cyclists would not result in any detriment to the access and parking arrangements nor would there be any harm to highway safety in more general terms. There would be no other resulting harm to the visual amenity of the site

and surroundings or the amenity of residential properties surrounding the site. Furthermore, there are no material changes in planning policy that would lead officers to a different conclusion to that which was reached previously through the assessment and determination of the previous application. It is therefore considered that the development remains in accordance with the relevant provisions of the Development Plan.

CONDITIONS

- 1 This permission is granted under the provisions of Article 4(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2010 as amended, on an outline application. Details of the layout, scale, appearance and landscaping shall be carried out in accordance with the reserved matters approved by the Local Planning Authority on 13 March 2018 under ref. W/17/1552. **REASON:** To comply with Section 92 of the Town and Country Planning Act 1990 as amended.
- 2 The development to which this permission relates shall begin within three years of the date of planning permission ref: W/14/1340, i.e. 23 December 2014 or within two years of the final approval of the reserved matters, whichever is the later. **REASON:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).
- 3 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) (B.0292_13, B.0292_13-2, 461095-014 submitted on 25 September 2014 and 10 November 2014. Tree removal and tree protection plan Figure 2 submitted on 25 September 2014), and specification contained therein. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 4 No part of the development hereby permitted shall commence until a scheme has been submitted to and approved in writing by the local planning authority indicating how and when the 'Secured by Design' standards will be incorporated into the development. The scheme shall be implemented in accordance with the approved details and shall be retained at all times thereafter. **REASON:** To ensure Secured by Design standards are met, in accordance with Policy HS7 of the Warwick District Local Plan 2011-2029.
- 5 No part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the local planning authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in

accordance with British Standard BS5837: 2012, a Guide for Trees in relation to construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place without the prior consent in writing of the local planning authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **REASON:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policy NE4 of the Warwick District Local Plan 2011-2029.

- 6 The development hereby permitted shall not commence until: -
- 1) (a) A site investigation has been designed for the site using the information obtained from the desk-top study and any diagrammatical representations (conceptual model). This should be submitted to and approved in writing by the local planning authority prior to that investigation being carried out. The investigation must be comprehensive enough to enable:
 - a risk assessment to be undertaken relating to human health;
 - a risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected;
 - an appropriate gas risk assessment to be undertaken;
 - refinement of the conceptual model; and
 - the development of a method statement detailing the remediation requirements.(b) The site investigation has been undertaken in accordance with details approved by the local planning authority and a risk assessment has been undertaken.
(c) A method statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters using the information obtained from the site investigation, has been submitted to the local planning authority. The method statement shall include details of how the remediation works will be validated upon completion and shall be approved in writing by the local planning authority prior to the remediation being carried out on the site.
 - 2) All development of the site shall accord with the approved method statement.
 - 3) If during development, contamination not previously identified, is found to be present at the site then no further development shall take place (unless otherwise agreed in writing with the local planning authority for an addendum to the method statement). This addendum to the method statement must detail how this unsuspected contamination shall be deal with.

- 4) Upon completion of the remediation detailed in the method statement a report shall be submitted to the local planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved method statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

REASON: To safeguard health, safety and the environment in accordance with Policies BE3, NE4 and NE5 of the Warwick District Local Plan 2011-2029.

- 7 The development hereby permitted shall not commence until a scheme detailing arrangements to protect residents of the development from excessive traffic noise entering habitable rooms and the provision of quiet garden areas shielded from road noise shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details and shall be retained thereafter. **REASON:** To protect residents of the development from the adverse effects of traffic noise from outside the development in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029.
- 8 The development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which has been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for: the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of noise, vibration, dust, dirt and light during construction; and a scheme for recycling / disposing of waste resulting from demolition and construction works, unless otherwise agreed in writing by the local planning authority. **REASON:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1, TR3 and NE5 of the Warwick District Local Plan 2011-2029.

9 No development shall take place unless and until a Low Emission Strategy addressing the requirements of the guidance for a medium scheme under the LES guidance and confirmation from the developer to provide EV charging points has been submitted to and approved in writing by the local planning authority. The Low Emission Strategy shall thereafter be implemented in strict accordance with the approved details. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development, in accordance with Policy NE5 of the Warwick District Local Plan 2011-2029 and the aims and objectives of national guidance within the NPPF 2012.

10 The development hereby permitted shall be carried out in strict accordance with a drainage scheme and details of the following that shall have been submitted to and approved in writing by the local planning authority:

- The applicant is to provide detailed design plans showing the existing and proposed foul & surface water drainage systems for the site, showing the location of yard and road gullies, manhole's, soak ways, septic tanks, cess pits and pipes including size, shape, material, fall and level in relation to ground and building levels. This should include a manhole schedule.
- The applicant is to provide detailed engineering drawings of the proposed attenuation pond and any other SUDS features incorporated into the design of the site. This should include vehicle and pedestrian access to the proposed attenuation pond to allow for maintenance crews to access the area to maintain control structures and the pond.
- Where works are located within 8m of the watercourse the applicant must obtain land drainage consent from the Environment Agency
- The applicant is to obtain discharge consent from the Environment Agency as part of the application.

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

11 The development hereby permitted shall proceed only in strict accordance with the Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work dated 11 January 2017 and the Mitigation Strategy approved in writing by the Local Planning Authority on 15 January 2018 in pursuance of part (c) of condition 5 of planning permission W/14/1340.

A programme of evaluative archaeological work and associated post-excavation analysis, report production and archive deposition detailed within the approved 'Written Scheme of Investigation for an

Archaeological Excavation at Land North of Common Lane, Kenilworth, Warwickshire' (version 3) shall be completed within 6 months of commencement of the development.

The development, and any archaeological fieldwork post-excavation analysis, publication of results and archive deposition detailed in the approved Mitigation Strategy shall be undertaken and completed within 6 months of commencement of the development.

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, in accordance with Policy HE4 of the Warwick District Local Plan 2011-2029.

- 12 The development hereby permitted shall be carried out in accordance with the detailed lighting scheme approved by the local planning authority on 1 May 2018. Such works, and use of that lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details. **REASON:** To ensure that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties and to ensure that appropriate measures are taken in relation to protected species in accordance with Policies BE3, NE2, NE4 and NE5 of the Warwick District Local Plan 2011-2029.

- 13 The development hereby permitted (including demolition) shall be carried out strictly in accordance with the Construction and Environmental Management Plan approved in writing by the local planning authority 6 September 2017. In addition appropriate working practices and safeguards for other wildlife dependent of further survey work, are to be employed whilst works are taking place on site. The approved measures set out in the CEMP shall be implemented in full. **REASON:** To ensure that protected species are not harmed by the development in accordance with National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Saved Policy NE2 of the Warwick District Local Plan 2011-2029.

- 14 The development hereby permitted shall be carried out strictly in accordance with the Landscape and Ecological Management Plan approved in writing by the local planning authority 28 February 2018. The approved measures set out in the LEMP shall be implemented in full. **REASON:** To ensure a net bio-diversity gain in accordance with the National Planning Policy Framework (NPPF) and in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029.

- 15 The development hereby permitted shall be carried out in accordance with the agreed scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site approved in writing by the Local Planning Authority on 12 April 2018. The development shall not be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority.
REASON: In the interests of fire safety.
- 16 The development hereby permitted shall be carried out strictly in accordance with the full details of the design and appearance, including materials, of the bridge access into the site approved in writing by the Local Planning Authority on 12 September 2017. The approved details shall be implemented in full prior to the occupation of the development.
REASON: To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
- 17 The development hereby permitted shall be carried out in accordance with the details of the rain water harvesting scheme approved in writing by the local planning authority on 1 May 2018. This phase of the development shall not be first occupied until the works within this scheme have been completed and thereafter the works shall be retained at all times. **REASON:** To ensure that the re-use and recycling of rain water is facilitated within this phase of the development in accordance with the provisions of Policy FW2 in the Warwick District Local Plan 2011-2029.
- 18 Any landscaping (other than the planting of trees and shrubs) approved under condition 1, including boundary treatment, paving and footpaths, shall be completed in all respects for that phase of development, with the exception of tree(s) and shrub(s) planting, within the first planting season following the first use of the dwellings within that phase and the tree(s) and shrub(s) shall be planted within six months of that first use. Any tree(s) or shrub(s) removed, dying, or becoming in the opinion of the local planning authority seriously damaged, defective or diseased within five years from the substantial completion of the scheme shall be replaced within the next planting season by tree(s) or shrub(s) of similar size and species to those originally required to be planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1 BE3 and NE4 of the Warwick District Local Plan 2011-2029.

- 19 The existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any tree(s) or shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with tree(s) and shrub(s) of such size and species details of which must be submitted to and approved by the local planning authority. All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces). **REASON:** To protect those landscape features which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 20 The mix of type and size of market dwellings submitted as part of any reserved matters application is to be agreed with the Local Planning Authority within the following parameters: 2 bed houses - 10-20%, 3 bed houses - 30-40%, 4 bed houses 55-65%. **REASON:** To ensure that the housing meets, as closely as possible, the needs of the District as required by Policy H4 of the Warwick District Local Plan Review 2011-2029 and the NPPF as closely, taking into account the viability of the development.
- 21 No construction will be undertaken until a Construction Management Plan, which must contain a Construction Phasing Plan and HGV routing plan has been submitted and approved by the local planning authority. **REASON:** In the interests of highway safety, in accordance with Policy TR1 in the Warwick District Local Plan 2011-2029.
- 22 Prior to the commencement of the development (not including alterations to the bridge structure), the access to the site from Common Lane shall be constructed, located and laid out in general accordance with drawing number 461095-003 Rev 1 (*Minor alterations may be required during the detailed design process*). **REASON:** In the interests of highway safety, in accordance with Policy TR1 in the Warwick District Local Plan 2011-2029.
- 23 No infill material system material (soil) shall be imported to the site unless and until analytical test results for the material have been submitted to and approved in writing by the District Planning Authority.

The analytical results shall demonstrate that the soil is suitable for its final use. Once the material is in place a further report shall be submitted to and approved in writing by the Local Planning Authority to confirm that the soil cover meets or exceeds the agreed capping depth.

REASON: To protect the health and safety of future occupiers, and to satisfy the requirements of Policy NE5 of the Warwick District Local Plan 2011-2029.

Planning Committee: 09 October 2018

Item Number: 7

Application No: [W 18 / 1231](#)

Registration Date: 11/07/18

Town/Parish Council: Beausale, Haseley, Honiley & Wroxall **Expiry Date:** 05/09/18

Case Officer: Liz Galloway
01926 456528 Liz.galloway@warwickdc.gov.uk

Calmonfree, Haseley Knob, Haseley, Warwick, CV35 7NJ

Erection of a first floor side extension FOR Mr Bridges

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

RECOMMENDATION

The Planning Committee are recommended to Refuse the application.

DETAILS OF THE DEVELOPMENT

The proposal is for a first floor side en-suite extension above the existing garage.

THE SITE AND ITS LOCATION

The application property is a two storey detached dwelling with integral garage situated to the north end of Haseley Knob. The site is washed over by Green Belt.

PLANNING HISTORY

1977 - Planning permission granted for the erection of a rear wing.

W10/0767 - Planning permission granted for the erection of a two storey rear extension.

Single storey side extension constructed using 'Permitted Development' rights.

RELEVANT POLICIES

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- National Planning Policy Framework
- DS18 - Green Belt (Warwick District Local Plan 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- Vehicle Parking Standards (Supplementary Planning Document)

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

SUMMARY OF REPRESENTATIONS

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

WCC Ecology: Recommend Bat Survey and Protected Species notes.

ASSESSMENT

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

Paragraph 145 of the National Planning Policy Framework makes it clear that the construction of new buildings is to be regarded as inappropriate development in the Green Belt. There are certain exceptions to this including where extensions are not disproportionate additions over and above the size of the original building.

The supporting text to Policy H14 of the adopted Local Plan states that development which would represent an increase of more than 30% of the gross floor space of the original dwelling (excluding any detached buildings) located within the Green Belt is likely to be considered disproportionate.

The floor area of the original dwelling was approximately 64 square metres. Cumulatively, the existing and proposed additions amount to approximately 80 square metres which equates to 126% over the floor space of the original building. This is significantly greater than the Council's adopted Local Plan guidance of 30% and is therefore considered to represent a disproportionate addition to the property, which is harmful by definition and by reason of harm to openness and policy H14.

The proposed development would increase the overall bulk and mass of the property and would extend the visual impression of built development within the Green Belt, thus harming openness. Furthermore, the cumulative impact of the existing and proposed development means that the character of the original dwelling is further lost and has substantially altered the scale of the original building.

No very special circumstances have been presented which would outweigh the harm identified. The proposed development is therefore considered to conflict with paragraph 145 of the NPPF and Local Plan Policy H14.

Design and the impact on the character and appearance of the area

The application property is a detached dwellinghouse and proposes a first floor extension above an existing garage. It is considered that proposed extension would not appear out of character within the street scene and is of an appropriate design for the property. The development would also be constructed out of matching brick and tile to compliment the existing building.

The proposal is therefore considered to comply with Local Plan policy BE1 and the Residential Design Guide SPD.

Impact on the amenity of the neighbouring properties

The proposed extensions do not breach the Council's adopted 45° line taken from the adjoining neighbouring properties and causes no significant material harm to the living conditions of the occupiers of the neighbouring properties by reason of loss of light or outlook.

The proposal is considered to comply with Local Plan Policy BE3.

Ecology

Taking a precautionary approach, the County Ecologist has recommended that a preliminary bat survey is required prior to the determination of the application. This request has been considered, however, it is also noted that the existing dwelling is well sealed and there are no records of an existing bat roost in the property.

On this basis, it is considered that the likelihood of bats is relatively low and a bat note advising the applicant of their responsibility in relation to protected species would be more reasonable and appropriate in this case.

The proposal is therefore considered to be in accordance with the NPPF and Local Plan policy NE2.

Summary/Conclusion

The proposed development would represent a disproportionate addition to the application property which constitutes inappropriate development in the Green Belt, which is harmful by definition. The proposal would also cause harm to openness, and no very special circumstances have been presented which outweigh the harm identified.

REFUSAL REASONS

- 1 The proposed development represents a disproportionate addition to the original building as it increases the overall bulk and mass of the property and would extend the overall visual impression and therefore constitutes inappropriate development in the Green Belt which is harmful by definition and by reason of harm to openness. No very special circumstances are considered to exist which outweigh the harm identified.

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

Application No: [W 18 / 1276](#)

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

Registration Date: 13/08/18

Expiry Date: 08/10/18

01926 456531 Helena.Obremski@warwickdc.gov.uk

2 Satchwell Place, Leamington Spa, CV31 1HT

Retrospective permission for installation of fence to front of property. FOR Miss
Melanie Duggan

This application is being presented to Committee as there have been more than 5 letters of support received and the application is recommended for refusal.

RECOMMENDATION

Planning Committee are recommended to refuse planning permission for the reasons listed in the report.

DETAILS OF THE DEVELOPMENT

The application seeks retrospective planning permission for the erection of a fence to the front garden of the application site.

THE SITE AND ITS LOCATION

The application relates to 2 Satchwell Place, one of four Grade II listed three storey properties located to the south of New Street and east of George Street. The site is accessed from a public footpath leading from New Street, through to Gordon Street and Russell Terrace. There is no access to the rear of the site which sits adjacent to the Community Centre and burial ground. The application site is located within the Conservation Area.

RELEVANT PLANNING HISTORY

There is no relevant planning history relating to this site.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)

- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029)

SUMMARY OF REPRESENTATIONS

Leamington Spa Town Council: Objection, the fencing materials are inappropriate to the setting of the Listed Building and Conservation Area. The Council would not object to a more appropriate solution.

Councillor Quinney: Support:

- there has been fence-panelling around the garden for many years;
- the current fencing has opened up and improved views of 2 and 3 Satchwell Place;
- the fencing protects the occupants from trespassers, needles, detritus and against anti-social behaviour, and drug use;
- the fencing does not touch the listed building;
- the tenant spoke with her landlord and the Local Authority before installing the fencing and was informed that she could install a like for like replacement;
- the tenant was not aware that planning permission was required until after the works were completed;
- installing iron railings as suggested by the Conservation Officer would be costly for the tenant;
- suggests a condition requiring the tenant to plant low-rise climbing vegetation to shield the fence or paint the concrete posts the colour of weathered wood;
- there has been no detrimental effect on the listed building or its setting;
- the proposal should be weighed against the benefits identified.

Conservation Officer: Objection, the fencing appears out of keeping, harming the setting of the listed building and contribution that the setting makes to the significance of the listed building, and Conservation Area.

Public Responses: 23 Support:

- the fencing is necessary for the safety of the tenants and to avoid anti-social behaviour, people trespassing into the application site and neighbouring properties;
- the fence has reduced the levels of anti-social behaviour within the nearby area;
- there has been a fence present for a number of years;
- the fence has improved the character of the area;
- children can now play safely in the gardens;
- the fence has not harmed the setting of the listed building;
- the fence is opposite to a public footpath, so has little impact on the character of the wider area or street scene;
- the fencing will weather reducing the impact;
- the benefits to the safety of the tenant outweigh the harm to the listed building;
- the access should be gated.

5 Objections:

- the fence is harmful to the character of the Conservation Area;
- wooden posts or iron railings would be more sympathetic;
- the fence is harmful to the setting of the listed building.

WCC Ecology: No objection, subject to inclusion of nesting bird note.

ASSESSMENT

The main issues for consideration of the application are as follows:

- Design and Impact on Heritage Assets
- Impact on Neighbouring Residential Amenity
- Ecological Impact

Design and Impact on Heritage Assets

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

Section 72 of the Planning (Listed Buildings and Conservation Areas) 1990 imposes a duty when exercising planning functions to pay special attention to the desirability of preserving or enhancing the character of a Conservation Area. 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 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Policy HE1 of the Local Plan states that development will not be permitted if it would lead to substantial harm to the significance of a designated heritage asset. Where the development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the

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

The Town Council and 5 members of the public have objected to the fencing, as they consider it to be harmful to the setting of the listed building and Conservation Area. There have been 23 letters of support submitted in reference to the application, and Councillor Quinney supports the development.

Details from Councillor Quinney and the applicant confirm that the fence was erected last year. The occupier of the property (and applicant) took down a timber panel fence and replaced it with the existing fencing, being timber panels over concrete bases, with concrete panels. The occupier states that they were not aware that planning permission was required to replace an existing fence.

The occupier sets out that owing to high levels of crime, including drug taking and dealing, trespassing and anti-social behaviour within the public footpath which runs adjacent to the front boundary of the site, the fence is required in order to protect the occupants of the property, some of which are children. Members of the public suggest that anti-social behaviour has decreased since the installation of the fence and that the fencing does not harm the setting of the listed building or Conservation Area.

The Conservation Officer has objected to the fencing. He notes that the Georgian terraces are some of the earliest within Leamington Spa, dating from 1807. The fencing directly affects the setting of the listed building which has to be given great weight in accordance with national and local planning policies. The Conservation Officer considers that the fencing is harmful to the setting of the listed building and group-value of the wider terrace. The historic boundary treatment would have most likely been cast metal railings, however, the installed fencing is more akin to modern suburban back garden boundary treatments. Therefore, the fencing is considered to appear wholly out of keeping within this context, being harmful to both the listed buildings, Conservation Area and character of the wider area.

It is recognised that 1 Satchwell Place benefits from panel fencing which is partly obscured by well-established vegetation. However, this fencing is unauthorised. It is likely that this fencing is more than 4 years old, and therefore now lawful, however, as it attaches to the listed building, the development is not immune from enforcement action on the basis that it has been erected without listed building consent, should the Council wish to pursue this. Notwithstanding the fencing already installed at 1 Satchwell Place, the modern nature of the installed fencing at 2 Satchwell Place appears incongruous and a harsh contrast in comparison to the backdrop of the traditional listed buildings.

It is suggested that the installed fencing does not touch the listed building. However, when Officers visited the site, the fencing appears to do so. Officers have therefore recommended that the applicant also submits an application for listed building consent which has been forthcoming.

The harm identified is considered to be less than substantial, and the NPPF states that where the harm is less than substantial to the heritage asset, it should be weighed against the public benefits. Support for the fencing has suggested that it is not harmful to the setting, however, as detailed above, this is not considered to be the case. It is proposed that the fencing is required to protect the occupants from trespassers, needles, detritus and against anti-social behaviour, drug use and dealing. Supporters of the application also note that there has been a fence in the same position for many years prior to the applicant replacing it. There has been photographic evidence presented by the applicant to support this. However, there is no planning history for the erection of fencing for any of the properties along Satchwell Place, so the previously installed fencing would have been unauthorised.

The Conservation Officer has suggested that the installation of iron railings instead of the proposed fencing would be supported, as this is a more appropriate boundary treatment, which would not detract from the setting of the Conservation Area or listed buildings. It has been noted by Councillor Quinney that this would be very costly for the applicant and that painting the fence, or allowing planting to screen the fencing would be a more appropriate solution. However, painting the fence posts to appear as wooden posts would still lead to the fencing significantly detracting from the setting of the listed buildings. The harsh, modern nature of the fencing is at odds with the character of the properties, and repainting any part of it would not detract from this. Furthermore, the Council would have no control over planting, and the fact that the fencing requires screening highlights its harmful and inappropriate nature.

Although it is suggested by members of the public and a local councillor that the fencing does not have a detrimental impact on the setting of the listed building and Conservation Area, Officers take a different view.

Officers have very carefully considered the reasons that the fencing was erected and the subsequent planning application submitted. The need to ensure that families, including children, can live within a safe environment is, of course very important and has been given significant weight in the consideration of this application particularly within the context of the circumstances that the applicant describes in the surrounding area.

However, the key test from a heritage perspective is whether those considerations, as important as they undoubtedly are, outweigh the concerns regarding the design and appearance of the fencing and resulting significant, albeit less than substantial harm to the setting of the listed building and character and appearance of the Conservation Area which results.

Officers consider that the public benefits of the proposal, whilst important, are not sufficient to outweigh the very considerable harm that would result to the listed building and to the character and appearance of the Conservation Area.

In coming to this view, Officers have taken into account the uncharacteristic appearance of the fencing in question within the context of this row of Grade II listed buildings and the resulting impact in heritage terms, particularly when other design solutions are available which would offer the same public benefits and also be acceptable in heritage terms. The fencing is considered to cause harm by virtue of a modern and historically inappropriate design which is at odds with the traditional character of the properties and wider Conservation Area. The harm identified is considered to be substantial, albeit less than substantial.

Whilst the applicant has identified clear benefits arising from the proposal these are not considered to outweigh the harm caused. It is therefore considered that the fencing is contrary to Local Plan policies, BE1, HE1 and HE2, and the NPPF.

Impact on Neighbouring Residential Amenity

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

The fencing is low level in the majority and is not considered to cause harm to neighbouring residential amenity. It is also noted that there have been no objections to the proposal on residential amenity grounds.

The development is therefore considered to comply with Local Plan policy BE3.

Ecological Impact

WCC Ecology have commented on the application and note that if vegetation is to be removed, then a nesting bird note should be included. However, the development has already been carried out and the removal of low level vegetation would not have required planning permission. There have been no trees removed as part of the installation of the fence. Therefore, the application is considered to be in accordance with Local Plan policy NE2.

Other Matters

Members of the public suggest that the public footpath should be gated. However, this cannot be controlled as part of this planning application.

Conclusion

The development is considered to be out of keeping and harmful to the character of the area. Furthermore, the fencing is considered to cause harm to the setting

of the listed building and Conservation Area. The harm is considered to be less than substantial, however, there are considered to be no public benefits to the scheme which would outweigh the harm caused. The proposal is therefore considered to be contrary to the NPPF and Local Plan policies BE1, HE1 and HE2, and should therefore be refused.

REFUSAL REASONS

The proposed development by reason of its positioning around the front curtilage of one of a group of Grade II Listed properties within the Leamington Spa Conservation Area along with its stark and modern design would be harmful to the setting of those Listed properties and fail to preserve and enhance the character of that Conservation Area.

There are no public benefits arising from the proposal which are sufficient to outweigh that less than substantial harm and the proposals are therefore contrary to the National Planning Policy Framework and to the following Local Plan policies:-

The Warwick District Local Plan 2011-2029

- Policy BE1: Layout and Design
- Policy HE1: Designated Heritage Assets and their Setting
- Policy HE2: Conservation Areas

Planning Committee: 09 October 2018

Item Number: 9

Application No: [W 18 / 1284](#)

Town/Parish Council: Cubbington

Registration Date: 10/08/18

Case Officer:

Helena Obremski

Expiry Date: 05/10/18

01926 456531 Helena.Obremski@warwickdc.gov.uk

**Cottage Baker, 52a Queen Street, Cubbington, Leamington Spa, CV32
7NA**

Proposed change of use from A1 retail unit to C3 residential, to provide a single dwelling. FOR Mr. & Mrs. Soden

This application is being presented to Committee as the Parish Council is in support of the application, Councillor Wright has called the application in if it is to be refused and as there have been five letters of support, and it is recommended for refusal.

RECOMMENDATION

Planning Committee are recommended to refuse planning permission for the reason stated in the report.

DETAILS OF THE DEVELOPMENT

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

THE SITE AND ITS LOCATION

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

RELEVANT PLANNING HISTORY

W/16/1547 - Planning permission refused for proposed change of use from shop to two bedroom dwelling.

W/17/0953 - Planning permission refused for proposed change of use from shop to single 2-bed dwelling.

RELEVANT POLICIES

- National Planning Policy Framework
- [The Current Local Plan](#)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)

- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- TC17 - Local Shopping Facilities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Parking Standards (Supplementary Planning Document)
- LES - Low Emission Strategy Guidance for Developers (April 2014)

SUMMARY OF REPRESENTATIONS

Cubbington Parish Council: Support, the applicants have repeatedly tried to let out the property over the last 18 months without success. The village already has good provision for community-led activities and meeting places. It would be preferable to see the property as a residential dwelling rather than a redundant sales unit as it impacts the street scene.

Councillor Wright: Support, the loss of this service is regretful but not uncommon as it is the only practical solution; the change of use would protect the building and overall structure from falling into disrepair; it would provide much needed housing for the area.

Councillor Redford: Support, the property has been marketed for a considerable time with no interest. The village is well supplied with local shops and the footfall is not sufficient for further business development. Change of use to a dwelling is welcomed and would not set a precedent.

WCC Highways: No objection.

Waste Management: No objection.

WCC Ecology: No objection, subject to notes in relation to protected species.

Public Responses: 5 Support: the property would be better brought back into use as a residential property, rather than left empty; there is no demand for the retail unit and high demand for accommodation within the village; the plans would not detract from the mixed character within the village centre; the proposed parking reduces any impact on remaining retail properties.

ASSESSMENT

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

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

Principle of the change of use

The application site falls within a local shopping centre. Local Plan policy TC17 seeks to protect local shopping centres, stating that changes of use from general shops to other A-class uses will not be permitted in such an area unless:

- a) The unit has been vacant for a period of at least one year or evidence can be provided that the unit has been actively marketed on reasonable terms for a shop use for a period of at least nine months without success: or
- b) The proposed use can demonstrate that it will significantly increase pedestrian footfall in the centre, will introduce a new use into the centre which meets a local need, and will not reduce the proportion of shop frontage in the centre below 50%.

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

Under application W/16/1547 for a similar description of development, it was concluded that inadequate marketing of the site had been carried out to meet the requirements of the relevant Local Plan policy at the time (which had the same thrust as current Local Plan policy TC17). Under application W/17/0953 it was concluded that adequate marketing had been carried out by that time, however, the application was refused because the proposal still failed to meet all of the requirements of the relevant Local Plan policy as it did not provide a community service or facility.

According to a letter provided by EHB, active marketing of the property has been continuous since November 2016. The Planning Statement confirms that the unit has been vacant since July 2014. There has been some interest in the unit, however many have withdrawn their interest once they were made aware that the site is within Cubbington (rather than Leamington Spa). There have been a number of viewings of the property, with feedback stating that the ceiling heights are low and the shop front window is limited. In December 2017 a heads of terms was received for a dress hire business. However, the potential tenant deemed the cost of the fit out to be uneconomical and decided not to lease the premises.

It is clear that there has been a limited amount of interest in the site. However, for the proposal to be policy compliant, as the proposal would result in the

change of use of an A use to a non-A use, it has to be demonstrated that the proposed use is for a service or facility that can be demonstrated to meet an important unmet local need.

The Planning Statement elaborates on this point, stating that investigations have been carried out with Parish and District Councillors to see whether there are any unmet local needs. The Planning Statement identifies a number of other nearby community facilities which are able to accommodate a wide range of local groups. It therefore concludes that there is no demand for further similar space. Local Councillors and the Parish Council have offered support for the change of use and agree with these statements.

Officers recognise that the unit has been vacant since 2014 and therefore it is necessary to consider the planning balance and whether it is reasonable to insist that the unit remains in retail or service use. Officers have some concerns that if the application is not approved, that the unit could continue to remain empty. However, although the property has been empty since 2014, full active marketing only commenced in November 2016, making the vacancy period while active marketing was being undertaken less than 2 years. It is accepted that this is a relatively long period of time. However, the agent confirms that there was an interested party at one point, who went as far as drawing up Heads of Terms to lease the premises. If the owner had been able to offer a reduced rent for a short period to allow the potential tenant to pay for the fit out (which is common for new businesses), or paid a contribution towards this, then Officers assume that it is more likely that the tenant would have taken the unit. Furthermore, Officers also have concerns as to whether a suitably thorough, comprehensive marketing campaign has been carried out, as no marketing board was apparent on the property when Officers made a site visit. Also, updating the shop front may have encouraged more interest in the site.

Therefore, in considering the planning balance, Officers accept that the owners have been unable to find a tenant for the property. However, it is felt that more could be done to make the property more attractive for a tenant. Furthermore, it is important to bear in mind that decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise. In this regard the proposals conflict with Local Plan policy TC17 and are therefore considered to be unacceptable in principle.

The impact on the character and appearance of the area

The National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions. Furthermore, Warwick District Council's Local Plan 2011 - 2029 policy BE1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built

and natural environment does not detrimentally impact the character of the local area.

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

The development is therefore considered to be in accordance with Local Plan policy BE1.

The impact on landscape and heritage assets

Section 72 of the Planning (Listed Buildings and Conservation Areas) 1990 imposes a duty when exercising planning functions to pay special attention to the desirability of preserving or enhancing the character of a Conservation Area. 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 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The explanatory text for Local Plan policy HE1 clarifies that in considering applications relating to Conservation Areas, the Council will require that proposals do not have a detrimental effect upon the integrity and character of the building or its setting, or the Conservation Area. Local Plan policy HE2 supports this and states that it is important that development both within and outside a conservation area, including to unlisted buildings, should not adversely affect its setting by impacting on important views and groups of buildings within and beyond the boundary.

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

The proposal is therefore considered to comply with Local Plan policies HE1 and HE2.

The impact on living conditions of nearby dwellings

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

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

The proposal is therefore considered to comply with Local Plan policy BE3.

Car parking and highway safety

WCC Highways have assessed the application and note that a car parking space has been provided to the rear of the dwelling to serve the property. WCC Highways assume that the parking space is currently likely to be used for the existing shop for deliveries or staff parking, and that therefore the parking space is unlikely to intensify the use of the existing vehicular access. WCC Highways therefore have no objection to the proposed change of use.

There is also space for cycle storage at the rear of the site.

It is therefore considered that the development is acceptable in this regard and therefore accords with Local Plan policy TR3 and the Council's adopted Vehicle Parking Standards guidance.

Waste storage

Contract Services have no objection to the proposal. There is ample space to the rear of the property to accommodate waste and recycling storage.

Ecological impact

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

Health and Wellbeing

There are no health and wellbeing issues raised.

Other Matters

The anticipated vehicle use by residents of the new development is likely to cause an incremental increase in traffic in areas of poor air quality within the district. To offset this it is recommended that the developer is required to provide electric vehicle charging facilities for the new dwelling. A condition could be added to secure this if the application were being approved.

CONCLUSION

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

REFUSAL REASONS

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

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

The proposal is therefore considered to be contrary to the aforementioned policy.

Planning Committee: 09 October 2018

Item Number: 10

Application No: W 18 / 1435

Town/Parish Council: Warwick
Case Officer: Dan Charles

Registration Date: 30/07/18
Expiry Date: 29/10/18

01926 456527 dan.charles@warwickdc.gov.uk

Land South of Gallows Hill / Banbury Road, Warwick, CV34 6RN

Application for outline planning permission, with all matters reserved except access, for residential development of up to 180 dwellings, public open space, landscaping, access to Gallows Hill, sustainable urban drainage systems, footpaths/cycle ways and associated infrastructure. FOR William Davis Limited & Hallam Land Management Limited

This application is being reported to Planning Committee because it raises significant issues and in the opinion of the Head of Development Services, it would be prudent to refer the application to Planning Committee for decision.

RECOMMENDATION

Planning Committee are recommended to grant planning permission, subject to the conditions listed at the end of this report and a Section 106 Agreement to secure the necessary financial contributions/obligations as set out in the report.

Should a satisfactory Section 106 Agreement not have been completed by 7 December 2018, Planning Committee are recommended to delegate authority to the Head of Development Services to refuse planning permission on the grounds that the proposal makes inadequate provision in respect of the issues the subject of that agreement.

DETAILS OF THE DEVELOPMENT

The proposal is for an outline application for up to 180 dwellings with all matters reserved other than access.

Access to be created as a signalised junction opposite existing Technology Park access point.

It is proposed to provide 40% (up to 72) as affordable units.

The remaining matters would be reserved for a separate submission.

THE SITE AND ITS LOCATION

The site is a roughly triangular parcel of land that is flanked on two sides by public highway – Gallows Hill and Banbury Road. The third side is an open, undelineated boundary that abuts the site owned by Gallagher’s which has an existing, extant permission for residential development of up to 450 dwellings.

The site is open agricultural land with only a single tree punctuating the open land within the site. The boundaries of the site are set to a combination of mature trees and hedges that have been supplemented with a dense buffer of young trees species.

The highest point of the land is where the site joins the development site to the East. The land has a plateau in this area then the land falls away quite significantly to the West towards Warwick and offers views of Warwick Castle.

To the north of the site is the Warwick Technology Park that is served from Gallows Hill.

To the east of the site is the adjacent development site as detailed above which is currently a continuation of the open field on the existing plateau.

To the south of the site is the Banbury Road and beyond this, the Castle Fields site which is a Registered Park and Garden and also forms the boundary of the Warwick Conservation Area.

PLANNING HISTORY

W/17/2275 - Development of up to 250 dwellings, public open space, landscaping, access to Gallows Hill, sustainable urban drainage systems, footpaths/cycle ways, and associated infrastructure. All matters to be reserved except access into the site – Refused 01.03.2018.

W/17/0699 - Development of up to 260 dwellings, public open space, landscaping, access to Gallows Hill, sustainable urban drainage systems, footpaths/cycle ways, and associated infrastructure. All matters to be reserved except access into the site – Refused 12.10.2017.

W/13/1434 - Outline planning application for the erection of up to 250 dwellings together with associated infrastructure, landscaping and open space (all matters reserved except access) – Withdrawn 05.12.2013.

RELEVANT POLICIES

- National Planning Policy Framework
- DS1 - Supporting Prosperity (Warwick District Local Plan 2011-2029)
- DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029)
- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029)
- DS4 - Spatial Strategy (Warwick District Local Plan 2011-2029)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- DS6 - Level of Housing Growth (Warwick District Local Plan 2011-2029)
- DS7 - Meeting the Housing Requirement (Warwick District Local Plan 2011-2029)
- DS10 - Broad Location of Allocated Sites for Housing (Warwick District Local Plan 2011-2029)

- DS11 - Allocated Housing Sites (Warwick District Local Plan 2011-2029)
- DS15 - Comprehensive Development of Strategic Sites (Warwick District Local Plan 2011-2029)
- H0 - Housing (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- H2 - Affordable Housing (Warwick District Local Plan 2011-2029)
- H4 - Securing a Mix of Housing (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE2 - Developing Strategic Housing Sites (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029)
- TR2 - Traffic Generation (Warwick District Local Plan 2011-2029)
- TR3 - Transport Improvements (Warwick District Local Plan 2011-2029)
- TR4 - Parking (Warwick District Local Plan 2011-2029)
- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- HS6 - Creating Healthy Communities (Warwick District Local Plan 2011-2029)
- HS7 - Crime Prevention (Warwick District Local Plan 2011-2029)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029)
- CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)
- FW3 - Water Conservation (Warwick District Local Plan 2011-2029)
- FW4 - Water Supply (Warwick District Local Plan 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- HE4 - Protecting Historic Parks and Gardens (Warwick District Local Plan 2011-2029)
- HE6 - Archaeology (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- W1 - Waste Core Strategy (Warwick District Local Plan 2011-2029)
- DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029)
- Warwickshire Landscape Guidelines SPG
- Garden Towns, Villages and Suburbs - A prospectus for Warwick District Council (Consultation document - May 2012)
- Development Management Policy Guidance: Achieving a Mix of Market Housing on new Development Sites (Agreed by Executive - 19th June 2013)
- Draft Village Housing Options and Settlement Boundaries (November 2013)

SUMMARY OF REPRESENTATIONS

Warwick Town Council: Support the comments made by the conservation team and raise concerns on the outcome of the pending appeal.

Leamington Spa Town Council: The development will have a significant impact on vehicular movements and place an increased burden on the road infrastructure in the area. Emphasis will need to be given to connectivity for vehicles and non-vehicular movements such as those for pedestrians and cyclists. The Council supports the observations of the Conservation Area Forum regarding dispersal of the larger blocks of development to allow tree planting between buildings.

Conservation Advisory Forum: Welcome the fact that the amended scheme now proposes the same number of dwellings that the adopted Local Plan prescribes for the site, and the amendments to the masterplan are significant in reducing its harmful impact upon the setting of Warwick Castle (Listed Grade I and part Scheduled Monument) and its Park (Registered Grade I), and the Warwick Conservation Area, for instance a whole block of development has been removed from a linear green space, abutting a proposed new viewing corridor aligned with the towers of the Castle and the tower of the Collegiate Church of St Mary's; and wider green buffers are proposed abutting the Banbury Road, which is also the boundary of Castle Park and the Conservation Area.

CAF, however, recommends that the larger blocks of development shown on the masterplan be broken up, to allow tree planting between buildings, to soften the appearance of development, especially when seen from the towers of Warwick Castle and the tower of the Collegiate Church of St Mary's.

Concerns were also raised in relation to such a large development having only one vehicular access point, and it was considered that greater attention needs to be given to connectivity and permeability for vehicles, pedestrians, and cyclists. The design of the junction onto Gallows Hill will also need special consideration, as it is a key approach to the historic town of Warwick, and the junction may affect the wider setting of the Conservation Area".

Historic England: These proposals follow the refusal of successive schemes for a maximum of 260 houses, and then a maximum of 250, which were in excess of the Local Plan allocation. This proposal for up to 180 dwellings, if our arithmetic is correct, accords with the Local Plan allocation.

This application is solely for access points, with all other matters reserved. This offers a main access point labelled A on the north side of the site, with to the east of it a secondary emergency access labelled D. This implies that the two areas of development are to be linked by a road crossing the area which it is argued will be visible from the distant view-points. You will need to satisfy yourselves that these access points are the best that can be achieved in terms of their impact on the overall form of the development.

In due course, if you grant consent, the reserved matters applications will need to achieve a scheme of exemplary quality. That will need to extend beyond the design of the buildings to the whole of the public realm associated with the

scheme, including road design, car parking, boundary treatments, lighting and so on. It is essential that your authority is robust in achieving that objective on this sensitive site in order to minimise the level of harm".

WCC Landscape: Layout is an improvement over previous. Sections of 2.5 storey dwellings shown further up slope of site. 2.5 storey dwellings will be visible from Banbury Road despite landscaping. Views of development from Banbury Road should not detract from views into Castle Park or longer views to St Nicholas Church Spire or the overall historic/designed experience enjoyed by visitors entering Warwick from the south. Relatively straight access road through site likely to dominate views from the Castle/St Mary's Church tower. Increasing numbers of trees would limit this. Overall, more trees incorporated into the layout on the higher part of the site would be beneficial. Little planting is proposed along Gallows Hill and increased planting should be provided to establish the parkland character, screen the development from Gallows Hill and to frame the views of Warwick Castle towers from the site. This is a very sensitive site and it is essential that the layout and design take maximum account of the local topography, and historic significance in all aspects of landscape design and layout.

WCC Ecology: In principle, no objection subject to appropriate mitigation for biodiversity loss and Skylark mitigation is provided in the appropriate manner.

Warwickshire Fire and Rescue: No objection, subject to condition securing appropriate provision of water supplies for fire fighting purposes.

Natural England: No comments to make. Recommend assessment against standing advice.

Warwickshire Flood Risk Management Team: No objection, subject to detailed drainage condition.

Highways England: No objection.

WCC Archaeology: Recommend Archaeological Written Scheme of Investigation Condition.

Warwickshire Police (Design): Recommend development be in accordance with Secured By Design standards.

WDC Waste Management: No objection - development should be in accordance with the adopted Refuse and Recycling requirements.

WCC Infrastructure: Request contributions of £1,830,012 for Education, £3,940 for libraries, £13,500 for road safety and £40,000 for transport planning.

NHS Clinical Commissioning Group: Request contribution of £70,855.

WDC Sports Development: Request contribution of £149,542

Warwickshire Police (Place Partnerships): Request contribution of £27,487.

Public Response: A total of 4 letters of objection received making the following comments;

- Additional traffic will cause more air pollution and traffic congestion in an already heavily congested area.
- Development will detract from the scenic views that form the entrance to Warwick from the south.
- Will still have a negative impact on the heritage setting. Many comments from Historic England still stand.
- Public benefit does not outweigh the harm to heritage assets.
- Overdevelopment of the area which harms the historic setting of the town.
- Indicative layout is not akin to a garden suburb.
- Any scheme should make the most of the site attributes.
- Site is extremely sensitive and important and should be designed to reflect this character.

ASSESSMENT

History/Background

An outline planning application for up to 250 dwellings was submitted under reference W/13/1434 on 9 October 2013 as a result of the proposed allocation of the site for residential development as a preferred option of the draft Local Plan. Following detailed discussions, the application was withdrawn due to concerns raised by Historic England as to the potential effect of the proposed development on the setting of Warwick Castle Park and Warwick Conservation Area.

Notwithstanding the above, the site was still accepted as a preferred option in the draft Local Plan and now forms part of allocation H46a within the adopted Local Plan.

Following the advancement of the Local Plan process, an outline planning application for up to 260 dwellings was submitted on 18 April 2017 under reference W/17/0699. This application was referred to Planning Committee on 10 October 2017 with a recommendation to grant planning permission but was subsequently refused for the following reasons;

1. *"Policy HE1 of the Warwick District Local Plan states that development that would lead to substantial harm to the significance of Heritage Assets will not be supported unless it can be demonstrated that there are substantial public benefits that outweigh the harm and in cases where the harm is less than substantial, it must be weighed against the public benefits of the proposal. Policy HE2 seeks to protect the character of Conservation Areas and Historic Parks and Gardens within the District by protecting them from development that would harm their character.*

The application site forms part of an overall site allocation of 630 dwellings identified within the Local Plan as Allocation H46A.

The cumulative maximum number of dwellings arising from the proposals the subject of this application when taken with that already permitted by way of an

existing extant planning permission for up to 450 dwellings on the other part of Allocation H46A , would be 710 dwellings thereby exceeding the identified allocation by up to 80 dwellings.

In the opinion of the Local Planning Authority, the additional resulting dwellings and intensity of development would cause less than substantial harm to the setting of the adjacent Castle Park, a Registered Grade 1 Park and Garden and the adjacent Warwick Conservation Area by virtue of the failure of the proposals to adequately demonstrate that i. they can be satisfactorily integrated into the surrounding historic landscape in an acceptable manner without detriment to the significance of those heritage assets or, ii. that any such harm is capable of being appropriately mitigated.

There has been no public benefit demonstrated that is sufficient to outweigh the detrimental impact and additional harm arising from the additional dwellings proposed and therefore the development is considered to be contrary to the National Planning Policy Framework and the aforementioned Local Plan policies."

2. "The increased number of vehicle journeys arising from the additional dwellings would result in further airborne pollution within an area that is already subject to high levels of such pollution and the proposal would therefore also be contrary to Paragraphs 93 & 94 of the National Planning Policy Framework and Local Plan Policy NE5 relating to the reduction of emissions and greenhouse gasses."

A further application sought outline permission for up to 250 dwellings under reference W/17/2275. This application was recommended for approval but refused by Planning Committee on the 3 March 2018 for the following reasons;

1. "Policy HE1 of the Warwick District Local Plan states that development that would lead to substantial harm to the significance of Heritage Assets will not be supported unless it can be demonstrated that there are substantial public benefits that outweigh the harm and in cases where the harm is less than substantial, it must be weighed against the public benefits of the proposal. Policy HE2 seeks to protect the character of Conservation Areas and Historic Parks and Gardens within the District by protecting them from development that would harm their character.

The application site forms part of an overall site allocation of 630 dwellings identified within the Local Plan as Allocation H46A. The cumulative maximum number of dwellings arising from the proposals the subject of this application when taken with that already permitted by way of an existing extant planning permission for up to 450 dwellings on the other part of Allocation H46A , would be 700 dwellings thereby exceeding the identified allocation by up to 70 dwellings.

In the opinion of the Local Planning Authority, the additional resulting dwellings and intensity of development would cause less than substantial harm to the setting of both the adjacent Castle Park, a Registered Grade 1 Park and Garden and the adjacent Warwick Conservation Area by virtue of the failure of the proposals to adequately demonstrate that

- they can be satisfactorily integrated into the surrounding historic landscape in an acceptable manner without detriment to the significance of those heritage assets or,
- ii. that any such harm is capable of being appropriately mitigated.

The revised application does not adequately demonstrate that the above requirements are met and the scheme is not therefore considered to provide public benefit sufficient to outweigh the detrimental impact and further harm arising from the additional dwellings proposed. The development is therefore considered to be contrary to the National Planning Policy Framework and the aforementioned Local Plan policies”

2. “The increased number of vehicle journeys arising from the additional dwellings would result in further airborne pollution within an area that is already subject to high levels of such pollution. Insufficient information has been provided to demonstrate that the proposal would satisfactorily mitigate against the additional harm as a result of the additional dwellings on the site. The proposal would therefore also be contrary to Paragraphs 93 & 94 of the National Planning Policy Framework and Local Plan Policy NE5 relating to the reduction of emissions and greenhouse gasses”

An appeal against W/17/2275 which was due to be heard by Public Inquiry in December 2018 has been withdrawn.

Details of Development

This application is for a reduced scheme of 180 dwellings compared the previously refused 260 and 250 dwelling schemes. The 180 dwelling figure would result in an overall number of dwellings of 630 which is in line with the overall allocation on the site.

The key changes as detailed on the indicative masterplan are as follows;

- Dwellings omitted from north eastern corner of site.
- Development pulled away from boundary with Castle Park.
- Development block omitted from eastern development block.
- Green wedge widened and open space areas increased.
- Green fingers added through development blocks.

Principle of Development

Five Year Housing Land Supply

The most up to date Five Year Housing Land Supply (5YHLS) figures state that as of 1 April 2018, the District Planning Authority is able to demonstrate a 6.49 year Housing Land Supply.

Local Plan

The application site is identified within the Local Plan as a site for new housing development as part of the wider strategic urban extension to the south of

Warwick and Leamington. The land forms part of the H46A allocation which is covered by two different land owners.

The current Local Plan has the most up to date evidence base for the allocation of new housing land and this site forms part of the strategic expansion of Warwick and Leamington as defined within Policy H1.

Policy DS11 sets out the allocations of housing development and gives an overall figure for each of the allocated sites. The overall allocation for new dwellings on the H46A Allocation within the Local Plan identified up to 630 dwellings.

The area of land immediately to the east of the site forms part of the allocation and has an existing and extant outline permission for up to 450 dwellings.

Taking into account the existing outline permission for up to 450 dwellings on the adjacent site, this scheme for 180 dwellings would result in the provision of the identified allocation of 630 dwellings on the site which accords with the level of dwellings set out within Policy DS11.

Assessment of the proposed housing provision

Paragraph 50 of the NPPF states that local planning authorities should plan for a mix of housing, based on current and demographic trends, market trends and the needs of different groups in the community. It goes on to state that local planning authorities should identify the size, type, tenure and range of housing that is required in different locations.

In accordance with these requirements, all development must accord with the Strategic Housing Market Assessment for Warwick District that requires a mix of housing sizes of 1, 2, 3 and 4+ bedroomed dwellings based upon the market assessment for the area.

The applicant has confirmed that a comprehensive mix of unit types will be proposed ranging from one bedroomed to four+ bedroomed houses, which can be controlled by a suitably worded condition to ensure that this is followed at reserved matters stage. An affordable housing allocation of 40% will be incorporated into the design and these dwellings will be integrated across the site.

The affordable housing would be secured by a Section 106 agreement to accord with Policy SC11.

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 2011 - 2029 policy BE1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms

of scale, height, form and massing. The Local Plan calls for development to be constructed using appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area. 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 important features; respecting the surrounding buildings and using the right materials.

Impact on visual amenity and the character of surrounding area

Policy BE1 of the Warwick District Local Plan states that new development should positively contribute to the character and quality of its environment. The policy requires the provision of high quality layout and design in all developments that relates well to the character of the area.

Views from outside the site are mitigated by existing mature boundary planting that is proposed to be supplemented with additional planting. The existing boundary to the south of the site, where it is adjacent to the Castle Park has already been strengthened with significant tree planting. This tree belt offers significant structural planting to this boundary of the site and offsets any residential development from the site boundary giving a significant green buffer between the proposed residential development and the adjacent Castle Park.

It is noted by Officers that the upper area of the site will be read against the backdrop of further residential development on the parcel of land to the immediate east of the application site and this is an important consideration when considering the visual impact of this development.

The scheme as identified on the indicative masterplan identifies large areas of open space forming an integral element of the overall proposal. The reduction in housing numbers compared to the previously refused schemes have also allowed for the increased provision of green spaces within the application site. The result on the increased green spaces is a development that seeks to significantly bolster the amount of tree planting within the site and the retention of large areas of open green space within the development that give an overall feeling of a development site that is sensitive to the edge of the settlement and creates a more green and 'leafy' form of development that is appropriate for this sensitive location.

At this stage, it is acknowledged that the masterplan drawing is indicative only and the overall landscaping strategy for the site would be provided at reserved matters stage. However, the indicative masterplan clearly demonstrates that the provision of a scheme for 180 dwellings would provide for significant areas of additional planting and green space within the site. Any proposed landscaping scheme would be subject to negotiation with the Landscape Officer to agree a suitable solution for the treatment of the site and this will be submitted as part of the reserved matters application.

Impact on the adjacent Registered Park and Garden and Warwick Conservation Area

Policy BE1 of the Warwick District Local Plan states that new development should positively contribute to the character and quality of its environment. The policy requires the provision of high quality layout and design in all developments that relates well to the character of the area.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Warwick District Local Plan Policy HE1 (protection of Heritage Assets) states that development will be expected to respect the setting of conservation areas and important views both in and out of them.

In refusing planning permission for the previous schemes of 260 and 250 dwellings, there was a concern that the additional number of dwellings over the allocation and the intensity of development would cause less than substantial harm to the setting of both the adjacent Castle Park, a Registered Grade 1 Park and Garden and the adjacent Warwick Conservation Area. That harm was considered to arise from the failure of the proposals to adequately demonstrate that:-

- they can be satisfactorily integrated into the surrounding historic landscape in an acceptable manner without detriment to the significance of those heritage assets or,
- that any such harm is capable of being appropriately mitigated.

The applicants considered the comments of Historic England and letters of objection to the previously refused schemes carefully and this application has been submitted with an updated detailed Heritage Assessment of the proposed development. The assessment provides cross sections through the site to the adjacent Castle Park to demonstrate that in terms of levels, the proposed development would be largely screened by the existing mature tree planting to the boundary which has also been strengthened with additional tree planting to provide a dense buffer, which would also assist in ensuring that the two sites would not compete with each other when viewed from the public domain.

In assessing the impact, Paragraph 159 of the Inspector's Final Report into the Local Plan acknowledged that due to the close proximity of the western part of Allocation H46a, housing on the scale proposed would have an impact on views from the Castle Park and this part of the Warwick Conservation Area given that the site extends up to Banbury Road and its junction with Gallows Hill. In the opinion of the Inspector, the views from the Castle Park would be screened to a significant degree by existing trees along the boundary of the Castle Park/Conservation Area which runs along Banbury Road and by existing and proposed landscaping on the opposite side of Banbury Road and within the site itself.

In considering whether the site should be allocated for residential development, the Inspector opined that whilst there would be some harm to the setting and therefore the significance of the Castle Park and Conservation Area, this would be less than substantial but due to the statutory duties relating to the preservation of such assets, gave this harm considerable importance and weight.

When assessing the harm, the Inspector concluded at Paragraph 161 of the Final Local Plan Report that the proposed site allocation would make a sizeable contribution to the supply of housing including a substantial amount of affordable housing (40% of the total) and would also have benefit in terms of providing public ally accessible open space and improved pedestrian and cycling links towards Warwick Town Centre. He considered that these public benefits are very significant and outweigh the less than substantial harm to designated heritage assets as identified.

Within that context, the illustrative Masterplan and cross sections that have been submitted demonstrate that within the wider landscape, the reduced number of proposed dwellings will be read as being an integral part of a heavily landscaped area where the built development within the core of the site is focussed at a significant distance from the site boundaries behind deep structurally landscaped areas including belts of mature trees supplemented with newly planted young tree species that are beginning to establish and mature. Additionally, the revised masterplan submitted indicates a number of green fingers of planting through the development which would further break up the massing of built form of the proposed development.

As a result, it is considered that there would be limited public views of the core of the development site when read within the context of Castle Park from the public highway and any other public areas within the Warwick Conservation Area. Rather, the existing heavily treed character of the approach to Warwick will be reinforced and enhanced by the proposals. Plots that are located in any sensitive areas of the site can also be restricted to a maximum of two storey properties to prevent any excessive height impact.

Officers conclude that the impact of the development on the adjacent heritage assets amounts to less than substantial. Weighed against this degree of harm is the fact not only that this is an allocated site in the Local Plan which would deliver additional housing, but other benefits such as the provision of open space which would form an integral part of the layout and define the character of the development.

The public views of the site are predominantly from the public highway in close proximity to the site and some distance views are afforded from Warwick Castle and St. Marys Church. In near views of the site, the dense planting on the boundary of the application site and the boundary of the Castle Park provide two defined areas that are not viewed as a single entity. Officers are satisfied that the existing planting would provide a green buffer between those areas so that they do not compete visually and would not be easily read together when viewed from ground level.

The use of dense planting would ensure that even in winter when the trees are not all in leaf, a sufficient buffer is provided between the sites to prevent any

harm as a result of the residential development of the site having a detrimental impact on the Castle Park. The overall separation between the proposed built form on the application site and the boundary of the Castle Park is substantial and in Officers view, would not represent a form of development that would be intensive or intrusive upon the setting of the Castle Park.

The scheme as indicated on the indicative masterplan for 180 dwellings demonstrates how elements of the adjacent Castle Park are used in the proposals to reflect the existing character through the proposed landscaping of the site to provide visual cohesion between the areas in terms of landscaping.

As the application is made in outline, the details of landscaping and appearance of the development are not being considered at this stage. However, the indicative masterplan submitted sets out the manner in which proposals could come forward and provides an appropriate basis for securing the high quality landscaping and form of development to ensure that the proposals would not create any significant detrimental harm to the character of the Castle Park RPG or the wider Warwick Conservation Area.

Impact on the character and setting of Listed Buildings

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 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 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Warwick District Local Plan Policy HE1 (protection of statutory heritage assets) states that permission will not be granted to alter or extend a listed building where those works will adversely affect its special architectural or historic interest, integrity, or setting.

Whilst the immediate setting of Warwick Castle and St Mary's Church are not directly affected by the proposal, key views of the site are available from both of these buildings, albeit at a distance.

Paragraph 157 of the Local Plan Inspectors Final Report makes reference to the effect of the development of the Gallows Hill site. He concluded that the site would sit some way from Warwick Castle and inter-visibility would be limited by existing and proposed landscaping and the development of the site would be seen against the backdrop of the Warwick Technology Park, the wider urban area and other committed development sites and that there would be no harm to the setting and therefore the significance of the Castle.

The adjacent development site includes a specific site line of the Castle and Church incorporated into the Design Code for its future development. The masterplan submitted for this site would continue that open vista through the top section of the site where the land lies on the plateau. The area of open space as the land falls away is also contained within this vista ensuring that the

views of the castle and church are maintained as well as minimising the amount of built form in prominent areas of the site where visible from the castle and church.

The applicants have provided visualisations of the views from the castle to demonstrate that the harm to this very important view is minimised. It is also noted that the site will be viewed against the backdrop of the adjacent development site that shares the allocation so there is will be an element of built form visible from the views from the castle and church.

Officers are satisfied that the development as proposed on the illustrative masterplan has had significant regard to these important views which will be integrated into the developed landscape in an appropriate manner including additional planting provided to significantly soften the impact of the development to the extent that it is considered to be acceptable in this regard.

The development is intended to provide a high quality environment which achieves and in some cases exceeds the Council's design guidelines. The extent of open space and landscaping proposed across the development would create an overall sense of spaciousness which would enhance the sense of place and overall amenity value for future residents. Officers are satisfied that the development accords with Policy BE3 of the Local Plan.

Impact on adjacent properties

Policy BE3 of the Warwick District Local Plan states that new development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents.

There are no nearby neighbours to the site that would be directly affected by the residential development of the site.

The site is well screened from the surrounding premises by mature planting to the boundaries and these boundaries are to be strengthened as part of the application process. Officers are satisfied that there would be no significant harmful impact to the amenity of any wider neighbours as a result of the development proposed.

The ample landscaping and public open space shown on indicative plans will assist in ensuring the new development provides a high quality residential environment. Such details will be considered in greater detail at the reserved matters stage.

The adjacent site will have dwellings along the eastern boundary of the application site. However, the adjacent site is subject to a landscape buffer between the developments which will provide greatly in excess of the required separation distances.

As the application is outline only, no assessment is made of the potential future living conditions for occupants of the proposed dwellings and this will be considered at reserved matters stage.

Provision of an appropriate living environment for future occupants of the proposed development

The development provides a high quality environment which achieves and in some cases exceeds the Council's design guidelines.

The amount of open space and landscaping proposed across the development would create an overall sense of spaciousness which would enhance the sense of place and overall amenity value for future residents. Officers are satisfied that the development accords with Policy BE3 of the Local Plan.

Highway Safety

Policy TR1 of the Warwick District Local Plan requires all developments provide safe, suitable and attractive access routes for all users that are not detrimental to highway safety. Policy TR3 requires all development proposals to make adequate provision for parking for all users of a site in accordance with the relevant parking standards.

The proposed development is to be served by a single access point forming a cross roads with the existing access into the adjacent Technology Park and is as previously proposed. As part of the consideration of the earlier application, there was no objection to this element of the proposals which essentially remain unchanged.

The Highways Authority have raised no objection to the proposals subject to conditions to secure the detail of the access into the site and contributions towards infrastructure improvement for the Gallows Hill Corridor to improve walking and cycling opportunities and improvements to public transport services connecting the site to Leamington Spa and Warwick to improve sustainable transport opportunities for the occupiers of dwellings on the site.

Impact on Ecology/Protected Species

Policy NE3 of the Warwick District Local Plan states that development proposals will be expected to protect, enhance and/or restore habitat biodiversity and where this is not possible, mitigation or compensatory measures should be identified accordingly.

The County Ecologist has assessed the submitted ecological survey work and has undertaken a Biodiversity Impact Assessment (BIA). The biodiversity impact score has calculated by the County Ecologist as resulting in a net biodiversity loss, which is contrary to NPPF.

The County Ecologist considers the loss of Bio-diversity can potentially be offset through the design of the scheme at Reserved Matters stage subject to assurances that this will be implemented. If the subsequent reserved matters scheme satisfactorily mitigates the potentially loss, the County Ecologist does not oppose the development.

The Ecologist notes that a robust habitat management plan for the site, including details of habitat creation and any restoration, should be produced to accompany any subsequent reserved matters application to ensure proposed measures are achievable.

The Ecologist has also suggested a number of conditions to safeguard protected species and secure a suitable Construction and Environmental Management Plan; a Landscaping and Ecological Management Plan; tree protection measures; and a lighting scheme.

Other Matters

Drainage

In terms of surface water drainage, the site is within Flood Zone 1, and it is proposed to install balancing ponds within the limits of the site to ensure run-off does not exceed existing green field rates plus allowance for climate change. The Lead Local Flood Authority has raised no objection to the scheme, subject to detailed design to be secured by condition.

In terms of foul sewage, it is indicated that the dwellings are proposed to connect to the mains sewers in the local area. Severn Trent were consulted on the application but have not provided a response. However, it is noted that Severn Trent considered the earlier application for 260 dwellings and raised no objection to the scheme subject to a detailed drainage condition.

Trees and Hedgerows

The site is currently an open field with just a single tree located within the site area other than on the boundaries. The site has already been the subject of significant planting to the southern boundary to strengthen the boundary and increase the depth of separation with the adjacent highway. It also provides a significant buffer zone to the adjacent Castle Park.

A significant part of the proposal is to enhance the tree planting on the site as part of the development to create a softening effect to mitigate the impact on views from the Castle and Church. This has the added benefit of significantly increasing the level of tree planting within the site and this is to be welcomed from both an aesthetic view point as well as a biodiversity view point.

The specific types of tree and final landscaping design will be subject to a further submission through the reserved matters but at this stage, the indicative masterplan submitted shows significant additional tree planting which is appropriate for this land.

Air Pollution

During the consideration of the earlier applications, there was a concern raised regarding levels of air pollution already experienced within Warwick and that this could be further exacerbated by this proposal. That concern is expressed in the second reason for refusal on applications W/17/0699 and W/17/2275.

In response to the reason for refusal, the reduction in numbers to the proposed allocation of 180 would negate the reason for refusal. Notwithstanding this, the applicant has updated the air quality assessment provided by Peter Brett Associates with additional data to reflect the reduced numbers. The submitted assessment demonstrates that there would be no impact on air quality as a result of the development.

The Environmental Sustainability Officer has made an assessment of the proposal and raised no objection subject to conditions seeking the submission of a Low Emission Strategy identifying appropriate air quality improvement measures including under the District Councils Air Quality Action Plan and Low Emission Strategy Guidance as necessary. This guidance establishes the principle of Warwick District as an 'Emission Reduction Area' and requires developers to use 'reasonable endeavours' to minimise emissions and, where necessary, offset the impact of development on the environment.

Appropriate mitigation measures such as electric vehicle (EV) recharging provision and other locally specific measures to be used to minimise and/or offset any emissions from new development can be secured by condition.

Contributions towards local infrastructure and public transport improvements as requested by the Highways Authority in respect of this proposal which are intended to assist in the provision of alternative forms of sustainable transport opportunities from the site to further seek to reduce the impact on air quality as a result of the scheme may also be considered an appropriate part of that approach.

Officers are satisfied that these are technical matters and the specific details can be secured by condition so as to make the proposed development acceptable.

Archaeology

The County Archaeologist has assessed the submitted programme of evaluative archaeological fieldwork that included geophysical survey and trial trenching across this site.

The results of the geophysical survey and trial trenching have been submitted in a report with the supporting information to this application. The evaluation identified a collection of small pits at the north-western end of the field which included a probable cremation burial, with a token bone deposit within pyre debris, while another pit had a charcoal-rich fill that produced a quantity of charred hazelnut shell and a flint end scraper. There is, therefore, a potential for the proposed development to disturb prehistoric archaeological deposits across this area.

In light of the results of the trial trenching, the County Archaeologist has advised that a further phase of targeted excavation will be required to mitigate the archaeological impact of the proposed development. This can be secured through an appropriately worded condition.

Health and wellbeing

The site contains large areas of open space for use by future occupants. The area of land set out for open space exceeds the requirements for all types of open space provision. There is no requirement to seek any off-site contribution for open space provision. The final detail and form of the open space areas will be provided within the Reserved Matters submission for later consideration.

Warwickshire Police have raised no objection to the outline scheme subject to a financial contribution towards additional policing requirements for the area as a result of the additional dwellings.

In general terms it is proposed to ensure that the development follows Secured by Design principles through the imposition of an appropriate condition. This will assist in minimising the potential for crime and improve community safety for future residents.

Impact on local services

The proposed development of up to 180 dwellings would create significant additional demand for local services and to mitigate this, contributions towards community facilities would be required.

Negotiations into the levels of contributions are still ongoing and must be resolved to the satisfaction of the Local Planning Authority before a decision can be issued.

Having considered the available evidence, the contributions are considered to be in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010. A development of 180 dwellings on this site would have a material impact on or need for affordable housing, education, open space, health care, sports facilities, drainage, monitoring costs, and rights of way, employment/training for locals and highway matters.

This is a particular issue given the cumulative impact that is expected from the substantial level of housing growth proposed across the District. It is reasonable to expect a development of this size to contribute towards the additional costs associated with meeting these increased demands. The relevant consultees are currently seeking to identify specific projects and locations where this money would be spent. Therefore it is considered that appropriate contributions are necessary to make the development acceptable in planning terms and subject to being directly related to the development, are fairly and reasonably related in scale and kind to the development (as required by Regulation 122).

The necessary contributions identified would be secured through an appropriate Section 106 Legal Agreement. At the current time, the following financial contribution requests have been received;

Sustainable Travel Packs - £19,500.

Libraries - £3,940.

Education and Learning - £1,830,012.

Road Safety - £13,500 for sustainable travel packs

Transport Planning - £40,000
NHS Clinical Commissioning Group - £70,855.
Warwickshire Police - £27,487.
Indoor Sports Facilities - £149,542.
Outdoor Sports Facilities - £12,818.

At the time of writing, further requests are currently outstanding regarding Hospital Provision, Biodiversity Offsetting Payments (if necessary), wider Highways Improvements and improvements to public rights of way. These will be provided within the update sheet.

Additionally, the Section 106 Agreement will also secure the following;

40% Affordable Housing
SUDS Maintenance
Monitoring Fee - 1% or £30,000, whichever is the lesser

Conclusion

The site is allocated within the Local Plan for residential development as part of allocation H46A. When taking into consideration the extant planning permission for 450 dwellings on the eastern element of the site, the proposed number of dwellings is in direct accordance with the overall allocation of 630 dwelling. The applicant has demonstrated that the site is capable of accommodating a very high quality scheme at that level which is acceptable in overall terms including in respect of the integration of built development within the surrounding historic landscape and the appropriate management of air quality issues such that the previous reasons for refusal have been addressed.

For the above reasons, Officers recommend that outline planning permission be granted subject to the conditions listed.

CONDITIONS

- 1 Details of the appearance, landscaping, layout and scale of the development (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out in strict accordance with these reserved matters as approved.
REASON: To comply with Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2010 (as amended).
- 2 Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission. **REASON:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).
- 3 The development to which this permission relates shall begin within three years of the date of this permission or within two years of the final approval of the reserved matters, whichever is the later.
REASON: To comply with Section 92 of the Town and Country Planning

Act 1990 (as amended).

- 4 No part of the development hereby permitted shall be commenced until a detailed access plan including details of the proposed alterations to the highway has been submitted to and approved in writing by the Local Planning Authority in consultation with the County Highways Department. Thereafter, the approved access shall be carried out in general accordance with the approved details prior to the first occupation of any dwellings constructed on the site. **REASON:** In the interest of highway safety and to ensure appropriate access is available for the future occupiers of the dwellings.

- 5 No development shall take place under any relevant phase of development until a detailed lighting scheme for that phase has been submitted to and agreed in writing by the local planning authority. In discharging this condition the local planning authority expects lighting to be restricted around the boundary edges, particularly along hedgerows, where protected species are likely to be found, and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife. This could be achieved in the following ways:
 - a. low pressure sodium lamps should be used in preference to high pressure sodium or mercury lamps.
 - b. the brightness of lights should be as low as legally possible.
 - c. lighting should be timed to provide some dark periods.
 - d. connections to areas important for foraging should contain unlit stretches.

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

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

- 6 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 LPA expect to see details concerning pre-commencement checks for protected and notable species and subsequent mitigation as deemed appropriate. In addition appropriate working practices and safeguards for other wildlife that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full. **Reason:** To ensure that protected species are not harmed by the development in accordance with National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Policy NE2 of the Warwick District Local Plan 2011-2029.

- 7 The development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as the pond, wildflower grasslands; provision of habitat for protected species. The plan should also include details on soil management to make best use of the high quality soils on site -detailed guidance to inform this matter is available in Defra '*Construction Code of Practice for the Sustainable Use of Soils on Construction Sites*'. Such approved measures shall thereafter be implemented in full. **Reason:** To ensure a net biodiversity gain in accordance with NPPF.
- 8 No part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the District Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837: 2005, a Guide for Trees in relation to construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the grounds levels be altered or any excavation take place without the prior consent in writing of the District Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **Reason:** To protect trees and other features on site during construction in accordance with Policy NE4 of the Warwick District Local Plan 2011-2029
- 9 The development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented in strict accordance with the approved scheme. **REASON:** In the interests of fire safety.
- 10 The development hereby permitted shall not commence until: -
- 1(a) A site investigation has been designed for the site using the information obtained from the desk-top study and any diagrammatical representations (conceptual model). This must be submitted to and approved in writing by the local planning authority prior to that investigation being carried out. The investigation must be comprehensive enough to enable:
- A risk assessment to be undertaken relating to human health;
 - A risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected;

- An appropriate gas risk assessment to be undertaken;
 - Refinement of the conceptual model;
 - The development of a method statement detailing the remediation requirements.
- (b) The site investigation has been undertaken in accordance with details approved by the local planning authority and a risk assessment has been undertaken.
- (c) A method statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters using the information obtained from the site investigation, has been submitted to the local planning authority. The method statement shall include details of how the remediation works will be validated upon completion and shall be approved in writing by the local planning authority prior to the remediation being carried out on the site.
2. All development of the site shall accord with the approved method statement.
3. If during development, contamination not previously identified, is found to be present at the site then no further development shall take place (unless otherwise agreed in writing with the local planning authority for an addendum to the method statement). This addendum to the method statement must detail how this unsuspected contamination shall be dealt with.
4. Upon completion of the remediation detailed in the method statement a report shall be submitted to the local planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved method statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

REASON: To safeguard health, safety and the environment in accordance with Policies NE4 and NE5 of the Warwick District Local Plan 2011-2029.

- 11 No development shall take place under any reserved matters consent until a scheme for that reserved matters consent has been submitted to and approved in writing by the local planning authority demonstrating that surface water runoff does not exceed runoff from the undeveloped site and does not increase the risk of flooding off-site. Post development runoff volumes and peak flow rates will be limited to the Greenfield discharge rate for all rainfall return periods up to and including the 100 year plus 30% (for climate change) as outlined within the Flood Risk Assessment. On-Site surface water attenuation will be provided to the 1:100 Climate change (30%) standard using Sustainable Urban Drainage Systems. The site drainage strategy will demonstrate the appropriate assessment and adoption of SUDS techniques. The approved systems shall thereafter be retained and shall be managed

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

- 12 The development hereby permitted shall be carried out in strict accordance with details of surface and foul water drainage works that shall have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy FW2 of the Warwick District Local Plan 2011-2029.
- 13 No development shall take place under any reserved matters consent until a construction phasing plan of the development has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in strict accordance with the phases established in the phasing plan as approved by the local planning authority. **REASON:** To ensure the proper phasing of the development.
- 14 No development shall take place under any reserved matters consent until a scheme for that reserved matters consent has been submitted to and approved in writing by the local planning authority indicating how and when mixed open space facilities will be incorporated into the development, to include informal open space, appropriate children's play facilities, outdoor sport facilities and allotment gardens. The scheme shall be implemented in strict accordance with the approved details and shall be retained thereafter. **REASON:** To ensure appropriate open space and recreational facilities are provided to serve the development in accordance with Policy HS4 of the Warwick District Local Plan 2011-2029.
- 15 The development hereby permitted shall not commence until a scheme detailing arrangements to protect residents of the development from excessive traffic noise entering habitable rooms and the provision of quiet garden areas shielded from road noise shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in strict accordance with the approved details and shall be retained thereafter. **REASON:** To protect residents of the development from the adverse effects of traffic noise from outside the development in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029.
- 16 The development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which has been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for:

- Any temporary measures required to manage traffic during construction
 - Plans and details of haul roads within the site and for the turning and unloading and loading of vehicles within the site during construction
 - Dust management and suppression measures – level of mitigation determined using IAQM guidance
 - Wheel washing
 - Noise assessment and mitigation method statements for the construction activities; in accordance with provisions of BS 5228:2009 Code of practice for noise and vibration control on construction and open sites – Part 1 and 2
 - Concrete crusher if required or alternative procedure
 - Delivery times and site working hours
 - Site lighting
 - Access and protection arrangements around the site for pedestrians, cyclists and other road users
 - Restrictions on burning and details of all temporary contractors buildings
 - Plant and storage of materials associated with the development process
 - External safety and information signing notices
 - Complaints procedures, including complaints response procedures and dedicated points of contact
 - Best practicable means shall be employed at all times to control noise and dust on the site including:
- Work which is likely to give rise to noise nuisance be restricted to the following hours: Mon-Fri 7.30 am - 5 pm, Sat 7.30 am - 1pm. No working Sundays or Bank Holidays.
 - Delivery vehicles should not be allowed to arrive on site before 8 am or after 4.30 pm Mon – Fri, 8 am - 1 pm Sat and not on Sundays or Bank Holidays.

The measures indicated within the Construction Management Plan shall be implemented prior to the commencement of the development and maintained for the duration of the works, unless otherwise agreed in writing by the local planning authority. **REASON:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1, TR4 and NE5 of the Warwick District Local Plan 2011-2029.

- 17 No development shall take place unless and until a Low Emission Strategy has been submitted to and approved in writing by the local planning authority. The Low Emission Strategy shall thereafter be implemented in strict accordance with the approved details. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development, in accordance with Policy NE5 of the Warwick District Local Plan 2011-2029 and the aims and objectives of national

guidance within the NPPF 2018.

18 Prior to the submission of any Reserved Matters applications for any phase of development:

- a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work across this site shall be submitted to and approved in writing by the Local Planning Authority.
- the programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI is to be undertaken. A report detailing the results of this fieldwork is to be submitted to the Local planning authority.
- An Archaeological Mitigation Strategy document shall be submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development. Dependent upon the results of the trial trenching, this may include further archaeological fieldwork and/or the preservation in situ of any archaeological deposits worthy of conservation. Unless otherwise agreed with the Local Planning Authority, no development shall take place until any fieldwork detailed in the approved Archaeological Mitigation Strategy document has been completed to the satisfaction of the Local Planning Authority. The post-excavation analysis, publication of results and archive deposition shall be undertaken in accordance with the approved Mitigation Strategy document.

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 HE6 of the Warwick District Local Plan 2011-2029.

19 No reserved matters application for any phase of the development shall be submitted until there has been submitted to and approved in writing by the Local Planning Authority a Site Wide Masterplan for the approved development, which shall substantially be in accordance with the approved plans and documents listed above in condition 4 and the principles set out within the Council's approved document 'Garden Towns, Villages and Suburb: A Prospectus for Warwick District Council, May 2012' (and any subsequent revision and/or approved plans/strategy available at the time), and which shall also accord with the principles set out in the approved Site Wide Design Code. The Site Wide Master Plan shall include the following:

- Illustrative details of how the proposed layout of development

has been designed with due regard to the surrounding urban and rural context

- Land form topography as existing and proposed
- Land use plan and character areas (including densities and building heights)
- Movement corridors within the site (including principal roads, public transport corridors, footpaths, cycleways and green corridors) and demonstrating how these relate to existing movement networks in the wider area
- Location of any areas for off-street car parking areas and courts
- Key infrastructure (including SUDs, significant utility provision, schools, district/local centres)
- Landscape corridors and open space network
- Public open space
- Housing mix including tenure and size of dwelling
- Location of affordable housing
- Street tree planting and other structural planting landscape areas
- Hard and soft landscaping treatments
- Street lighting arrangements and any other lighting to public space
- A phasing plan including triggers for delivery of key elements of supporting infrastructure
- A statement establishing how the development proposals accord with the principles set out in the Site Wide Design Code.

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

- 20 No reserved matters application for any phase of the development shall be submitted until there has been submitted to and approved in writing by the Local Planning Authority a Site Wide Design Code for the approved development. This Design Code shall be in accordance with the principles and parameters as set out within the DAS, the plans and documents listed in condition 4 above and

"Garden Towns, Villages and Suburbs: A Prospectus for Warwick District Council, May 2012" (and any subsequent revision and/or approved plans/strategy available at the time). The Design Code shall include the following matters:

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

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

- 21 Any landscaping (other than the planting of trees and shrubs) including boundary treatment, paving and footpaths referred to in condition one shall be completed in all respects, with the exception of tree(s) and shrub(s) planting, within the first planting season following the first use of dwellings within that phase and the tree(s) and shrub(s) shall be planted within six months of that first use. Any tree(s) or shrub(s) removed, dying, or becoming in the opinion of the local planning authority seriously damaged, defective or diseased within five years from the substantial completion of the scheme shall be replaced within the next planting season by tree(s) or shrub(s) of similar size and species to those originally required to be planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard

BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.

- 22 The existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any tree(s) or shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with tree(s) and shrub(s) of such size and species details of which must be submitted to and approved by the local planning authority. All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces). **REASON:** To protect those trees and shrubs which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029.
- 23 The mix of type and size of market dwellings submitted as part of any reserved matters application must accord with the recommendations contained within the most up to date version of the "Development Management Policy Guidance : Achieving Mix of Market Housing on new Development Sites". **REASON:** To ensure that the housing meets the needs of the District as required by Local Plan Policy H4 of the Warwick District Local Plan 2011-2029 and the NPPF.
-

Planning Committee: 09 October 2018

Item Number: 11

Application No: W 18 / 1520

Registration Date: 09/08/18

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

Expiry Date: 04/10/18

Case Officer: Emma Booker
01926 456521 Emma.Booker@warwickdc.gov.uk

Falcon Barn, Birmingham Road, Haseley, Warwick, CV35 7HA

Erection of single storey link extension between the existing detached garage and converted barn; Installation of 6no. rooflights in the front and rear roof slopes of the converted barn and 3no. rooflights in the rear roof slope of the existing detached garage; Changes to the external facing materials of the existing detached garage; Installation of 1no, 4-paned bi-fold door in side elevation of existing detached garage; Installation of 1no., 4-paned window in the rear elevation of the dwellinghouse. and installation of replacement like-for-like windows and doors. FOR Mr & Mrs Foss

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

KEY ISSUES

The Site and its Location

The application site relates to a detached barn conversion located on the north-east side of Birmingham Road, in Haseley. The dwellinghouse is sited within a group of 4 buildings, including the Falcon Inn PH, which are surrounded by fields and are washed over by Green Belt. Falcon Barn is located to the rear of the site but has its own separate access driveway to the north of the group.

Falcon Barn was granted planning permission for its conversion to a dwellinghouse under planning permission ref: W/96/0042. As is routinely the case for barn conversions, Permitted Development Rights were removed by condition for development which falls within Schedule 2, Parts 1 and 2 of the General Permitted Development Order. Such rights were removed in order that any further development could be controlled by the LPA in the interest of preserving the special character and appearance of the building and the rural character of the site.

Since its initial conversion in 1996, Falcon Barn has undergone significant alteration. A total of 9 windows, 1 door and 8 rooflights have been installed within the elevations and roof of the barn. In addition to this, an oak-framed

detached garage has been erected to the north of the barn under planning permission ref: W/13/0569.

DETAILS OF THE DEVELOPMENT

Planning permission is sought for the erection of a single storey side extension which would link the converted barn and the existing detached garage. The proposed extension will be constructed using oak frames with a timber weather board facade and plain clay roof tiles to match those on the existing barn. The applicant also seeks planning permission to change the external facing materials on the front elevation of the existing detached garage from timber garage doors to timber weather boards. The installation of a number of new and replacement windows, doors and rooflights within the existing roofs and elevations of the two buildings is also proposed.

PLANNING HISTORY

W/96/0042: Conversion of an agricultural building to a single dwelling - Granted 21st February 1996.

W/03/0768: Construction of a new vehicular access - Granted 20th June 2003

W/04/1773: Conversion of existing integral garage to kitchen/diner - Withdrawn 3rd November 2004

W/05/0973: Erection of 2 timber garden sheds and conversion of garage to kitchen/diner - Granted 10th August 2005

W/13/0330: Erection of single storey, timber framed garage building - Refused 15th April 2013

W/13/0569: Erection of single storey timber framed garage building - Granted 25th June 2013

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- DS18 - Green Belt (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- H14 - Extensions to Dwellings in the Open Countryside (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- BE4 - Converting Rural Buildings (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Agricultural Buildings and Conversion - Barns (Supplementary Planning Guidance)

SUMMARY OF REPRESENTATIONS

Beausale, Haseley, Honiley & Wroxall Parish Council - Support.

Cllr Sue Gallagher - Support.

WCC Ecological Services - Objection, works could potential impact on an existing roost. Advise an Initial Bat Survey should be requested prior to determination of the application.

ASSESSMENT

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

The NPPF lists exceptions to inappropriate development in the Green Belt which includes the limited extension of buildings which are not disproportionate. Warwick District Local Plan Policy H14 indicates that an extension of more than 30% of the gross floor space of the original dwelling is likely to be considered disproportionate in the Green Belt.

Original Ground Floor = 93.6 sqm

Original First Floor = 93.6 sqm

Original Total = 187.2 sqm

Proposed Ground Floor (including existing garage) = 146.8 sqm

Proposed First Floor (garage) = 93.6 sqm

Proposed Total = 240.40 sqm

Total % increase = 28.42%

As indicated above, the proposed addition (including the existing garage) equates to a 28.42% increase in floor area over and above the floor area of the original barn conversion and it is therefore considered to be a proportionate extension and in accordance with Local Plan Policies DS18 and H14 (which states that extensions up to 30% are to be considered proportionate in the context of the Green Belt). The proposal is therefore appropriate development and considered acceptable.

Design and Impact upon the Character of the Barn Conversion

Policy H14 of the Local Plan states that "in the case of barn conversions in the open countryside, the Council is extremely unlikely to grant approval for any extensions". Such conversions are only usually permitted where they can be undertaken with minimum disruption to the integrity of the original building.

The Council has also adopted a Design Guidance for Agricultural Buildings and Conversion as Supplementary Planning Guidance which seeks to protect the character and integrity of barns. As per standard practice, permitted development rights were removed as part of the permission for the conversion of the barn in order that the LPA could retain control over future alterations and extensions to ensure only appropriate works were carried out.

Rural barns are characterised by their simple appearance and fenestration and the Council's Design Guidance is quite clear that barn conversions should remain as "barn-like" as possible, and domestic or residential features are inappropriate and harmful additions to barns and their settings, not in keeping with their character. The Guidance specifically states that "conversion work must be contained within the curtilage of the existing buildings: new extensions, glazed links or conservatories will not be permitted".

For ease of assessment the proposals will be addressed individually.

Single storey link extension and alterations to the elevations of the existing oak-framed garage:

The proposed single storey link extension is to be constructed with an oak frame and timber weather boards. The front elevation of the proposed extension is comprised of an open porch canopy which will protrude from the front elevation of the extension by 0.90m. The rear elevation of the proposed extension is comprised of a predominantly glazed gable end; a set of French doors and clear glazing panels are encased by the oak framework. The front elevation of the existing garage is proposed to be altered by replacing the existing timber garage doors (hung with a light grey metal hinges) with timber weatherboarding to give an increasingly blank frontage. In addition, a set of 4 painted timber bi-fold doors are proposed to be installed in the side elevation of the existing garage.

It is considered that the proposed link extension and alterations to the elevations of the existing garage are unacceptable in principle; the proposals are contrary to Policy H14 and the Council's adopted Guidance for Barn Conversions. The aforementioned policies and guidance state that extensions to barn conversions are unlikely to be supported. In instances where they could be considered acceptable, proposals should retain the integrity of the original building, and be in keeping with the traditional and rural character of the Green Belt. The predominantly glazed rear elevation, open porch canopy and symmetrical fenestration give the extension a modern and overtly domestic appearance, at odds with the traditional agricultural character of the converted barn. The proposed use of timber cladding and oak frame for the external facing materials are not sympathetic nor in keeping with the original red brick used in the barn's construction. It is considered that the design of the proposed extension does not attempt to incorporate any of the traditional features of the barn and therefore fails to appear as a characteristic addition; for example the height of the eaves and the roof pitches are not matched therefore making the

extension appear as an awkward addition. It is considered that the proposed installation of 3 rooflights in the rear roof slope, and 4 panelled bi-fold doors in the side elevation of the existing garage in a linear arrangement further contribute to the overall modern and domestic character. Linear and symmetrical fenestration is not a characteristic feature of barns - historically windows and openings are punched through the original walls of agricultural buildings in a sporadic and random arrangement. For the reasons discussed, the LPA consider the extension will appear incongruous and harm the integrity and rural character of Falcon Barn.

Replacement windows and doors, additional 6no. rooflights and 1no. window in rear elevation of the barn:

Falcon Barn benefits from a number of alterations which have significantly impacted on the external appearance of the barn since its conversion. Although the dwelling has never been extended, numerous applications for additional windows and doors have been approved and implemented since its conversion. In their abundance, the existing modern and domestic additions draw away from the original agricultural character of Falcon Barn.

It is important to highlight at this stage that 4 rooflights have been installed within the front and rear roof slopes of Falcon Barn. This is an ongoing Enforcement case as planning permission has not been granted for these. As the 4 rooflights have been included in the proposed plans, they are included in the assessment of this planning application alongside the additional 2 rooflights proposed to be installed in the rear roof slope of the barn.

To summarise, the applicant seeks permission to install 6 rooflights in the front and rear roof slope of the barn dwelling (4 of which have already been installed). In addition, a single 4 paned window is proposed to be installed in the rear elevation of the barn, as well as the replacement of old doors and windows with like-for like replacements, using stained timber throughout.

It is considered that the proposed 6 rooflights and 4-paned window are unacceptable in principle. An abundance of existing alterations have already significantly changed the character of the barn, which would further be exacerbated by additional domestic and modern additions. Local Plan Policies DS18 and H14, and the Council's adopted Guidance for Barn Conversions state that proposals which fail to preserve or enhance the original agricultural and rural character of converted barns should not be supported. The guidance states that windows and doors should neither be of a contemporary style, nor in symmetrical rows as this is highly visually damaging. The guidance draws particular attention to patio doors or 'French' windows as they deemed totally inappropriate for agricultural barns - 2 are proposed to be replaced in addition to a further 2 installed within the elevations of the proposed link extension and existing garage.

Overall the proposed replacement fenestration and additional windows are considered to be harmful to the character and integrity of the barn conversion and are contrary to the aforementioned policies.

Impact on adjacent properties

Policy BE3 of the Warwick District Local Plan states that new development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents.

As Falcon Barn is a considerable distance from any neighbours, is it considered that the proposed alterations and extension will not have an impact on the amenity of the nearby dwellings and business.

Based on this it is considered that the proposal is in accordance with Local Plan Policy BE3.

Access and Parking

Policy TR3 requires all development proposals to make adequate provision for parking for all users of a site in accordance with the relevant parking standards.

The proposed extension will enable an additional bedroom to be provided within the dwellinghouse, taking the total number of bedrooms in Falcon Barn from 3 to 4. As Falcon Barn benefits from an extensive driveway and parking area to the north-west of the dwellinghouse, it is considered that the proposals will not result in additional on-street parking.

The proposal is therefore in accordance with Local Plan Policy TR3 and the Parking Standards SPD.

Ecology

The County Ecologist has recommended that a preliminary bat survey is completed prior to the determination of the application due to the rural nature of the site which provides a good area for foraging and commuting bats. The Ecologist has also identified the building to have potential to support a bat roost. As the proposals are unacceptable in principle, Officers did not consider it necessary or appropriate to request a bat survey to be carried out prior to determination of the application due to the significant costs incurred by the applicant. Should the application be approved by the committee, it is considered that it would be appropriate and justified to request a bat survey be completed as a pre-commencement condition to ensure that protected species are adequately protected by the proposed development and mitigation measures are put in place to reduce the over impacts.

Summary/Conclusion

The proposal is not considered to meet the requirements of Local Plan Policies DS18 and H14, and the Guidance for Barn Conversions SPG and is therefore recommended for refusal.

REFUSAL REASONS

- 1 Policy H14 of the Warwick District Local Plan (2011-2029) sets out a number of criteria for the conversion of existing rural buildings within the District and the policy specifically refers to the need for the proposed use to be accommodated without extensive rebuilding or alteration to the external appearance of the building, and for the appearance and setting of the building following conversion to protect and where possible, enhance the character and appearance of the countryside. The explanation to the policy states that where proposals include extending rural buildings as part of their conversion, these will not be approved unless it can be demonstrated that the extension is essential for the retention of the building.

The application site which lies within the Green Belt, comprises a converted former agricultural building which is now used for residential occupation. The District Council has approved Supplementary Planning Guidance on barn conversions, and permitted development rights for subsequent extensions are removed in order to ensure that the character and appearance of the converted buildings and their setting within the wider countryside are respected and protected.

The proposed extension, additional windows and rooflights, replacement windows and doors are considered inappropriate alterations to this converted barn. In the opinion of the Local Planning Authority, the proposal disrupts the simple form of the converted barn in terms of the simple linear shape and also seeks to add a domestic feature both of which would detract from the original character and appearance of the building, thereby prejudicing the objectives of the aforementioned policy. If permitted, this type of extension could act as a precedent for extensions to other converted barns which would be difficult to resist, thereby cumulatively eroding the character and appearance of the countryside to the detriment of the wider Green Belt and open countryside within the District.

- 2 Paragraph 99 of Circular 06/2005 *Biodiversity and Geological Conservation – Statutory Obligations and their impact within the Planning System* advises that it is essential that the presence or otherwise of protected species, and the extent to which they might be affected by the proposed development, is established *before* planning permission is granted, otherwise all relevant material considerations will not have been addressed on making the decision. Circular 06/2005 advises that the need to ensure that ecological surveys are carried out should only be left to conditions in exceptional circumstances. No such circumstances exist in this case.

Planning Committee:

Item Number: 12

Application No: W 18 / 1550

Town/Parish Council: Cubbington

Registration Date: 20/08/18

Case Officer: Emma Booker

Expiry Date: 15/10/18

01926 456521 Emma.Booker@warwickdc.gov.uk

West Hill, Westhill Road, Cubbington, Leamington Spa, CV32 6RA

Erection of detached 4no. bay garage with 1no. room to the rear and walled courtyard to accommodate a further 4no. cars. FOR Mr G Raeburn

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

RECOMMENDATION

Committee is recommended to refuse the application for the set out at the end of this report.

DETAILS OF THE DEVELOPMENT

The applicant proposes to erect a single storey detached outbuilding with a walled courtyard to the front. The proposed outbuilding is intended to accommodate 4 cars within the garage and a room to the rear. A further 4 cars are to be accommodated within the courtyard. The intended use of the room to the rear of the garage has not been detailed within the application. The applicant proposes the use of red brick to match the existing house, with natural stone detailing and a natural slate roof. The proposed building is to be erected forward of the principle elevation of the dwellinghouse on an area of land within the residential curtilage currently occupied by an enclosed tennis court.

THE SITE AND ITS LOCATION

The application site is located in open countryside approximately 0.3 miles from north Leamington. It is accessed via a private drive that serves three properties in total. The dwelling has large private gardens that wrap around the property. The property is washed over by Green Belt.

PLANNING HISTORY

Application number	Description of development	Decision
W/18/0959	Application for a Lawful Development Certificate for the erection of a walled courtyard 1.50 metres in height with 2.0 metres end pillars and the erection of wall 1.50 metres in height and a single storey outbuilding to accommodate a garage, as shown on	Lawful Use - 05/07/2018

	drawing no(s). AR_120_001_C and AR_120_002_B submitted to the LPA 2nd July 2018.	
W/17/2183	Erection of single storey rear extension to accommodate a pool and gym; Demolition and rebuilding of north east wing.	Granted 16/01/2018
W/99/1384	Conversion of main house and outbuildings to a single dwelling unit, erection to outbuilding to form a garage and store.	Granted 23/12/1999

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- DS18 - Green Belt (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- H14 - Extensions to Dwellings in the Open Countryside (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Document- May 2018)

SUMMARY OF REPRESENTATIONS

Cllr Trevor Wright - Support, for reasons relating to Local Plan Policies BE1, BE3, NE3, DS18.

WCC Ecology - Requested further information to be provided by the agent with regard to the surrounding trees.

WDC Arboricultural Consultant - Advises that any development with encroaches into the RPA will cause harm to the tree. In the short-term the tree could be protected by Condition. It is not immediately obvious that long term protection measures are required, but officers advised to assess whether the tree is worthy of a TPO.

Public Response - 1 letter of support has been received from the neighbour at The Coach House, West Hill Road with regard to Local Plan Policy BE1 and BE3.

ASSESSMENT

- Whether the proposal constitutes appropriate development in the Green Belt and if not, whether any very special circumstances exist to outweigh the harm by reason of inappropriateness.

- Design
- Impact on neighbours
- Impact on nearby trees

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

The application property is located within the Green Belt. The National Planning Policy Framework (NPPF) states that the essential characteristics of Green Belt are openness and permanence. Paragraph 145. of the NPPF states that the construction of new buildings within the Green Belt are inappropriate. However, there are a few exceptions, including, extensions to existing buildings & replacement buildings, which are not materially larger than those they replace. The NPPF (Para 143.) states, inappropriate development in the Green Belt is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Local Plan Policy DS18 states development must be in accordance with the National Planning Policy Framework (NPPF) Green Belt provisions.

The application proposes the erection of a single storey detached outbuilding forward of the principle elevation of the dwellinghouse. The proposed development is comprised of a walled courtyard area to the front large enough to accommodate 4 cars, a 4 bay garage and a room to the rear. The intended use of the room to the rear has not been detailed within the submitted planning statement nor on the proposed plans.

The proposed building would be a substantial structure located within a relatively open area of the curtilage of West Hill. There are no other outbuildings in close proximity to the proposed building. As the proposal is for a new building in the Green Belt, it represents inappropriate development which would be harmful by definition and by reason of harm to openness.

The comments in support of the application which have been put forward by the applicant have been considered, but these are not considered to amount to very special circumstances sufficient to outweigh the conflict with Green Belt policy or the harm to the openness of the Green Belt and therefore the proposal does not comply with the National Planning Policy Framework. Within the Planning Statement, the agent puts forward the argument of a 'Permitted Development fall-back position'. West Hill is in receipt of a Lawful Development Certificate (planning application ref: W/18/0959) for the proposed erection of a walled courtyard in the front of the dwellinghouse and a single storey outbuilding to the rear. The applicant has stressed that if planning permission is not granted for this application, there is a real possibility that the detached garage and walled courtyard which meet the limitations of Classes A and D of the GPDO will be built.

Walled Courtyard (Lawful Development Certificate) = 220.60 m²

Detached Garage (attached wall not included) (Lawful Development Certificate)
= 186.34 m²

Total = 406.94 m²

Proposed Garage (Planning application) = 259.25 m²

It is easy to see how the works to be erected through the implementation of the Lawful Development Certification issued under planning application ref: W/18/0959, will overall have a far greater impact on the openness of the Greenbelt by virtue of bulk and mass and the spread of new buildings within the open countryside. However it is important to note that significant weight should not be afforded to alternatives which could be built under Permitted Development. This is verified by the approach taken by Inspectors at appeal. It should also be acknowledged that the applicant could if they wished to, erect the garage to the front of the dwellinghouse (as proposed in this application) and still implement the works approved within the Lawful Development Certificate (ref: W/18/0959).

The agent and residents of 'The Coach House' have suggested a barrier to this within the planning statement, by offering that the Class E Permitted Development Rights could be removed from the property by condition. This would serve to prevent the construction of anymore outbuildings under Permitted Development which would cause further harm the openness of the Green Belt. However, Government guidance suggests that such rights should only be removed by condition in exceptional cases and to do this in this case would set a dangerous precedent for similar development in the Green Belt.

The Coach House also highlight that the proposed building, within the context of the site makes 'complete logical sense in terms of overall layout'. While the LPA is largely in agreement with this neighbour, a more advantageous resultant layout of the site when compared with the alternative PD fall-back position is not a good enough reason to warrant the approval of this application, as it is considered that this benefit does not outweigh the overall significant harm to the openness of the Greenbelt and rural character of the site.

The proposal is therefore regarded as unacceptable development within the Greenbelt and is contrary to paragraph 143 and 145 of the NPPF and Local Plan Policies DS18.

Design

Policy BE1 of the Warwick District Local Plan states that new development should positively contribute to the character and quality of its environment. The policy requires the provision of high quality layout and design in all developments that relates well to the character of the area.

It is the opinion of the LPA that the proposed outbuilding constitutes good design. The proposed garage will be constructed using red brick and natural slate roof tiles to match the existing house. 'The Coach House' has submitted comments in support of the proposed design, stating that it has been designed sympathetically with the existing dwelling, and will enhance West Hill as a substantial imposing Victorian residence.

Officers are mindful of the fact that the proposed walled courtyard, garage and room to the rear will not be readily visible from any public vantage points, and therefore will have minimal impact on the overall character of the streetscene. The proposed structure will also be obscured from view when observed from the neighbouring 'The Coach House' and 'The Lodge' to the north west and north respectively. The proposed structure will be surrounded by mature trees and hedgerows, to be retained as stated on the application form, which currently provide a relatively high degree of privacy between West Hill and the neighbours.

Impact on neighbour amenity

Policy BE3 of the Warwick District Local Plan states that new development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents.

It is considered that the proposed walled courtyard, garage and room to the rear will not result in any material harm on the amenity of the neighbours. The proposed development is in excess of 40.0 and 50.0 metres from the rear elevation of 'The Coach House' and 'The Lodge' respectively.

The owner/occupiers of The Coach House have submitted comments in support of the proposed building on the grounds that it will have a far lesser impact on neighbour amenity when compared with the potential implications of the proposed garage detailed within the Lawful Development Certificate (planning application ref: W/18/0959). Although the PD fall-back position has not been formally considered in the assessment of this application, it is agreed that the proposed development will not result in an unacceptable amount of harm to the amenity of this neighbour.

The proposal is therefore acceptable with regard to neighbour amenity and is in accordance with Local Plan Policy BE3.

Impact on Ecology/Protected Species

Policy NE3 of the Warwick District Local Plan states that development proposals will be expected to protect, enhance and/or restore habitat biodiversity and where this is not possible, mitigation or compensatory measures should be identified accordingly.

The proposed development will replace an existing enclosed tennis court forward of the principle elevation of the dwellinghouse. The existing tennis court is sited within close proximity to the mature hedgerows which define the shared site boundary between The Lodge and the application property. The existing tennis court has an area of 590.7 m². When compared with the scale of the proposed detached garage (259.25 m²), the existing tennis court is significantly larger.

It is therefore it is considered that because the proposed development is no larger in footprint than existing tennis court, the proposal will not have an unacceptable impact on the ecology.

Impact on nearby trees within falling distance of the proposal

The Ecologist at Warwickshire County Council has requested information regarding the retention of the existing trees in the area adjacent to the proposed walled courtyard, garage and room to the rear.

The applicant has indicated on the application form that trees within falling distance of the proposal will not be removed or pruned as a result of the proposed development. Within planning application ref: W/17/2183, the Planning Officer raised concerns over the proposed detached garage being within close proximity to a large and mature House Chestnut tree to the south of the proposed development. In response to this feedback, the proposed garage has been shifted northward towards The Lodge. A tree survey submitted by the applicant indicates that footprint the proposed development will be outside of the Root Protection Area, and therefore should have an acceptable impact on the health and lifespan of the tree.

Due to the size of the tree and its potential to make a significant contribution to the character of the surrounding area, Officers requested that the Tree Consultant make a visit to the site to make an independent assessment of the tree and to ascertain whether it is worthy of a Tree Preservation Order. The Tree Officer concluded that the Horse Chestnut tree is coming to the end of its useful life, and when read within the context of the site it doesn't make a significant enough contribution to the character of the area to warrant a TPO. Officers are mindful that the tree is surrounded by an abundance of mature trees, and when observed from Leicester Lane to the east, the loss of the Horse Chestnut would not be readily apparent.

Conclusion

As set out above, it is considered that the proposal is unacceptable because it comprises inappropriate development in the Green Belt which is harmful by definition and by reason of harm to openness. No very special circumstances are considered to exist which outweigh the harm identified. The proposed position of the garage is considered to be out of character within the context of the site, and therefore the proposed is contrary to BE1.

REFUSAL REASONS

- 1 The erection of a detached outbuilding within the Green Belt is inappropriate development which is harmful by definition and by reason of harm to openness. In the opinion of the LPA no very special circumstances have been put forward to outweigh the harm identified. The 'Permitted Development fall-back position' put forward by the applicant is not considered to constitute very special circumstances to outweigh the harm identified and to take such an approach would set a dangerous precedent.

The development is therefore contrary to Paragraphs 143 - 145 of the NPPF and Local Plan Policy DS18.

Planning Committee: 09 October 2018

Item Number: 13

Application No: [W 18 / 1571](#)

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

Registration Date: 28/08/18

Expiry Date: 23/10/18

01926 456531 Helena.Obremski@warwickdc.gov.uk

222 Rugby Road, Leamington Spa, CV32 6DZ

Proposed change of use from C3 residential (existing 1no. one bedroom flat and 1no. two bedroom flat) into 6 bedroom House in Multiple Occupation (use class C4). FOR Mr C Franch

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The application is seeking permission for the change of use from a dwelling (Class C3) to a 6 bed HMO (Class C4) as the property is within an area covered by an Article 4 Direction. A fire escape would be removed from the rear elevation and blocked up with matching materials.

THE SITE AND ITS LOCATION

The site is a corner property located at the intersection of Rugby Road and Highfield Terrace within a Conservation Area. The building is a three storey property with two storey rear addition. The front elevation contains a double height bay window and there is contrasting brick detailing along the headers and cills on this and the side elevations. At the rear is a parking area and detached two bay garage. The building is presently sub-divided with the ground floor being a self-contained flat and the remaining floors being a two bed duplex.

PLANNING HISTORY

W/04/0991 - planning permission granted for alterations to vehicular access and replacement flat roof over garage.

W/18/0066 - planning permission granted for change of use from a dwelling (Class C3) to a 4 bed HMO (Class C4).

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- H6 - Houses in Multiple Occupation and Student Accommodation (Warwick District Local Plan 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029)

Guidance Documents

- Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: No objection, however, the Town Council notes that the residents at the top floor will be more than one floor from the kitchen which does not accord with the Council's guidance; concern regarding impact on existing parking stress.

Private Sector Housing: No objection, comments regarding fire precautions.

WCC Highways: No objection.

Public Responses: 6 Objections: concern regarding the increase in the parking requirement and the impact on existing parking stress, and associated highway safety concerns; additional noise disturbance.

ASSESSMENT

The main issues relevant to consideration of this application are:

- Principle of the change of use
- The impact on the amenity of the area and living conditions of local residents
- Private Sector Housing
- Impact on the Conservation Area
- Car Parking and Highway Safety
- Waste Management
- Ecological Impact
- Health and Wellbeing

Principle of the change of use

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

Local Plan Policy H6 for Houses in Multiple Occupation states that planning permission will only be granted for Houses in Multiple Occupation where:

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

Assessment

- a) the number of HMOs when including the application property within a 100 metre radius of the site would be 5.71%.
- b) The property is located within 400 metres of five bus stops.
- c) The proposal does not lead to sandwiching of a non HMO property between two HMOs
- d) The proposal does not lead to a continuous frontage of 3 or more HMOs.

The property has a rear amenity/parking area which is where the bins would be located and then placed on the roadside for collection. The property is already serviced with a grey bin and alternative weekly collections, which will not change.

In conclusion, the principle of the development is considered to be acceptable and conforms with the NPPF and Policy H6.

The impact on the amenity of the area and living conditions of local residents.

Policy BE3 of the adopted Local Plan states that development or changes of use will not be permitted which have an unacceptable impact on the occupiers of nearby users / residents. The Article 4 Direction was put in place and Policy H6 adopted on the basis of evidence which demonstrates that the concentration levels of HMOs within an area contributes to adverse impacts including noise and disturbance, social cohesion and litter.

Members of the public have raised concerns that the development would have a harmful impact on neighbouring amenity and that there would be additional noise disturbance.

However, there would be no additional built form as a result of the proposed development. Given that the concentration of HMOs would be within the limits set by Policy H6, it is therefore unlikely that this would generate additional noise disturbance, litter or hinder social cohesion to an extent which would warrant reason for refusal of the application.

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

Private Sector Housing

Private Sector Housing have no objection to the proposed development and note Building Regulation requirements which would be dealt with at a later stage by Building Control.

Impact on character of the Conservation Area and wider streetscene

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act identifies that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Local Plan Policy HE1 of the Local Plan expects development proposals to have appropriate regard to the significance of designated heritage assets. Where any potential harm may be caused, the degree of harm must be weighed against any public benefits of the proposal. Local Plan Policy HE2 of the Local Plan expects development proposals to have appropriate regard to the character and setting of Conservation Areas. Where any potential harm may be caused, the degree of harm must be weighed against any public benefits of the proposal.

The proposal includes the removal of an incongruous fire escape at the rear of the building which would be blocked up with matching materials, which can be controlled by condition. This is considered to represent an improvement to the application property and setting of the Conservation Area. It is noted that the Conservation Officer has no objection to the proposed amendment.

The proposal is therefore considered to accord with Local Plan Policies HE1, HE2 and BE1.

Car Parking and Highway Safety

There have been objections to the application from members of the public who express concern regarding an increase in parking requirement as a result of the change of use, the impact on existing parking stress, and associated highway safety concerns.

Policy TR3 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* (updated after the submission of the previous application) sets out Warwick District Council's detailed parking standards for developments.

In accordance with the updated guidance, the existing 2 bedroom flat generates a parking requirement of 2 spaces, and the ground floor flat requires 1 space, with a total existing requirement of 3 spaces. There is off street parking at the rear of the site for two spaces and two garages, providing 3 spaces.

In accordance with the Council's adopted Vehicle Parking Standards, the parking requirement for a 6 bedroom HMO is 3 spaces. Therefore, there would be no additional demand generated as a result of the proposed change of use which can be accommodated within the site boundaries. Furthermore, there would be no reduction in the off street parking provision for the site.

WCC Highways have been consulted on the proposals and raise no objection from a parking or highway safety perspective.

Under the previous application, given that the parking provision did not materially alter under the proposal, it was considered reasonable to attach a condition that limited the HMO to only no. 4 bedrooms. This was considered appropriate because it ensured that should the applicant want to provide additional rooms which would necessitate additional parking spaces being provided, a detailed consideration could be undertaken to this provision and its layout. However, as the Vehicle Parking Standards have been updated since this approval and the current application does not materially generate the need for additional parking, because the existing parking requirement is the same as that for the proposed use.

Should the applicant wish to increase the number of bedrooms further, planning permission would be required for a sui generis use for a large HMO. Therefore, it is not considered necessary to attach a condition limiting the number of bedrooms for this application.

It is considered that the proposal would have no detrimental impact on highway or pedestrian safety which would warrant reason for refusal of the application and the development accords with adopted Local Plan Policy TR3.

Waste Management

There is existing bin storage provided under the external access to the first floor adjacent to the parking area. The current waste provision is considered to be adequate for a HMO of this size and the collections will continue on an alternate weekly basis.

Ecological Impact

No issues.

Health and Wellbeing

There are no health and wellbeing benefits identified.

CONCLUSION

The proposed change of use to a HMO within this area adheres to the criteria set out within the Local Plan and more specifically Policy H6. In any event the principle of a small HMO at this site has already been established pursuant to planning permission W/18/0666. There would be no additional harm to nearby uses or residents as a result of the proposal which adds two bedrooms to the already approved application. The parking arrangements are considered to be acceptable. Adequate waste storage is already 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 drawings 102C and 105D, and specification contained therein, submitted on 12th September 2018. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
 - 3 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 BE1 of the Warwick District Local Plan 2011-2029.
-

Planning Committee: 09 October 2018

Item Number: 14

Application No: W 18 / 1602

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

Registration Date: 24/08/18

Expiry Date: 19/10/18

01926 456531 Helena.Obremski@warwickdc.gov.uk

Land adjacent, 2 Mill Road, Leamington Spa, CV31 1BE

Erection of 1no. dwellinghouse (resubmission of application ref: W/18/0591)
FOR Mr J Whitehead & Ms D Hepburn

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The application seeks planning permission for the erection of a one bedroom dwelling. The proposed dwelling would have a contemporary style, being one and half stories, with two separate mono-pitched roofs giving the impression of a side facing gable roof, which would be positioned behind a front boundary wall. The proposed dwelling would fill the width of the site, but would provide a small courtyard garden at the rear as well as one parking space, using the existing access.

THE SITE AND ITS LOCATION

The application site is positioned on the north side of Mill Road and is located within the Royal Leamington Spa Conservation Area and Flood Zones 2 and 3. Mill Road originally acted as a service road to serve the large dwellings and their garages fronting Leam Terrace. The street scene is now characterised by large, spacious plots, with some three storey apartment blocks and large dwellings which are positioned close to the application site, with single storey garages opposite to the application site. Mill Gardens and the River Leam are located to the north of the site.

PLANNING HISTORY

W/74/0832 – Erection of a dwelling – refused.

W/91/1419 – Erection of a detached dwelling and garage – refused.

W/97/1286 – Erection of a detached dwelling and garage – refused and dismissed at appeal.

W/98/0279 – Erection of a detached dwelling and garage – refused.

W/14/1796 – Erection of a detached dwelling – withdrawn.

W/18/0591 - Proposed erection of a single storey dwelling - withdrawn.

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)
- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- FW3 - Water Conservation (Warwick District Local Plan 2011-2029)
- Guidance Documents
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- Vehicle Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- LES - Low Emission Strategy Guidance for Developers (April 2014)

SUMMARY OF REPRESENTATIONS

Leamington Town Council: No objection.

Councillor Quinney: Supports application, the development would provide an attractively designed proportionate development. It is unusual and high quality and has excellent sustainability features. Does not consider that the site would be cramped and incongruous.

Private Sector Housing: No objection.

WCC Local Lead Flood Authority: No objection, subject to conditions.

Environment Agency: No objection, subject to conditions.

WCC Ecology: Comments remain the same as for application ref: W/14/1796 - recommend notes in relation to nesting birds, hedgehogs and indigenous plants.

WCC Highways: No objection, subject to condition.

Waste Management: No objection.

Public Response: One letter of support has been received on grounds that the development would be modest scale in tune with the plot, an imaginative solution and high quality design, with excellent sustainable features. It would add to the diversity of housing types needed. The proposal would be in keeping with the wider area and would be an improvement to the Conservation Area.

Assessment

The main issues relevant to the consideration of the application are:

- Principle of development
- The impact on the character and appearance of the Conservation Area
- The impact on the living conditions of nearby dwellings and whether the proposal would provide adequate living conditions for the future occupiers of the development
- Car parking and highway safety
- Drainage/ Flood Risk
- Ecological impact
- Waste

Principle of the Development

Local Plan Policy H1 states that new housing will be permitted in the urban areas. The application site is identified as being within an urban area on the proposals maps and therefore, the principle of housing on this site is considered to be acceptable.

The impact on the Character of the area and the Conservation Area

Local Plan Policy BE1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area. Finally, the Residential Design Guide SPD sets out steps which must be followed in order to achieve good design in terms of the impact on the local area; the importance of respecting existing important features; respecting the surrounding buildings and using the right materials.

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

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

against the public benefits of the proposal, including securing its optimum viable use.

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

The character of Mill Street, and in particular the side of the road where the proposed dwelling would be positioned, is one of spacious plots, with large amenity areas. To the east of the site, there are two large detached dwellings, with generous plots and each have sizable amenity areas to the front and rear. To the west of the application site, there are relatively large, three storey apartment blocks which again benefit from ample amenity areas to the rear and front of the sites. This creates a sense of openness along this section of Mill Road. On the other side of the road, the character does differ, with large terraced properties which front onto Leam Terrace and their garages which are accessed from Mill Road.

There have been four previous applications on this site for the erection of a residential dwelling which have all been refused. A further application submitted in 2014 for a dwelling was withdrawn (as it was to be refused under delegated powers. Application ref: W/97/1286 for the erection of a dwelling and garage was refused and then subsequently dismissed at appeal. The Inspector noted the generally spacious character of the area and that the intensity of development would detract from the appearance of this part of Mill Road. The Inspector concluded that the development would not harmonise well with its surroundings, thus not preserving the character of the Conservation Area.

It is recognised that there has been a material change in the site circumstances since the dismissal of this appeal, in that the dwelling at No. 2 Mill Road has been erected next to the application site. However, this large detached property is considered to sit comfortably within its context, and benefits from a generous and spacious plot, which reinforces the character of this part of the Conservation Area. The proposed development would be a clear departure from this established character, and would infill the width of a narrow plot being only 9 metres wide. The dwelling itself would be significantly smaller than any of the detached dwellings along Mill Road and would have a completely different character from the traditional dwellings adjacent to the site. The dwelling would be partly screened from the street scene by the proposed high level boundary wall, however, there would be views of the property from the large opening in the wall serving the access and the dwelling would sit higher than the boundary wall. The incongruous, contemporary design shoe-horned into the small plot would appear cramped and at odds with the larger, traditionally designed dwelling it would sit immediately next to.

The Conservation Officer has objected to the proposed development, stating that *"the proposed dwelling is of domestic proportions, and is set within a very small plot; it would appear incongruous in the street scene and would harm the appearance of the Conservation Area, which is characterised by grander detached houses or apartment blocks set in extensive grounds."* This supports Officer's views stated above.

It is recognised that under the recent application which was withdrawn (ref: W/18/0591), the Conservation Officer did not object to the proposed development. However, at this time the Conservation Officer was not fully aware of the extensive planning history and in particular the dismissal of the appeal for application ref: W/97/1286. With the benefit of reading the Inspector's decision, the Conservation Officer has made an informed response and no longer supports the proposal.

The development is considered to appear cramped and contrived and out of keeping within the street scene and Conservation Area. The harm identified is considered to be less than substantial, however it is considered that there are no public benefits which would outweigh this harm. The development is therefore considered to be contrary to Local Plan policies BE1, HE1, HE2 and the Residential Design Guide SPD.

The impact on the living conditions of nearby dwellings and living conditions for the future occupiers of the site

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

Impact on Neighbouring Amenity

The proposed dwelling would sit in close proximity next to 2 Mill Road. There is a ground floor window serving a habitable room at the front elevation of this neighbour's property, with a side facing window serving the same room acting as a secondary light source. Under the previously withdrawn application for a similar form of development, there would have been a small breach of the Council's adopted 45 degree guidance from this front facing window as a result of the proposed dwelling. However, the current proposal has been amended so there is no breach.

There would be no conflict with the Council's adopted 45 degree guidance from Cecil Court, to the west of the application site and there are no other neighbours which could be impacted as a result of the proposed development.

Living conditions for the future occupiers of the site

The proposal would provide a small courtyard garden to the rear of the site and a parking area to the front. Whilst the rear courtyard is small, in relative terms to the size of the property, this is considered to be adequate. It is recognised that the outlook for the "siting room" and "dining" area would be somewhat restricted, however, this would be a similar relationship to a courtyard garden serving a terrace property found within the wider area, which traditionally look onto a high level brick built boundary wall. Therefore on balance, the scheme is considered to provide adequate living conditions for the future occupiers of the dwelling.

Therefore, the scheme is considered to be in accordance with Local Plan policy BE3 and the Residential Design Guide SPD.

Car Parking and Highway Safety

Policy TR3 of the Warwick District Local Plan 2011-2029 states (inter alia) that development will only be permitted that makes provision for car parking that does not result in on-street parking detrimental to highway safety. Policy TR3 also states that development will be expected to comply with the parking standards set out in the most recent Parking Standards Supplementary Planning Document.

The proposal has been submitted as a one bedroom dwelling. The parking requirement for a 1 bedroom dwelling in accordance with the Council's adopted Vehicle Parking Standards SPD is 1 space, which is provided off-street. The Highways Authority have confirmed that the layout would allow for one car to enter and exit the site safely, and have no objection to the proposal on this basis, subject to conditions.

The proposed development is therefore considered to be in accordance with Local Plan Policies TR1 and TR3, and the Council's Vehicle Parking Standards SPD.

Drainage/Flood Risk

The application site is located within Flood Zones 2 and 3. The Local Lead Flood Authority objected to the previously withdrawn application because of a lack of information in order to assess the application. The required details have been provided as part of this application and they have no objection to the proposal, subject to conditions.

The Environment Agency have also been consulted and agree with the details contained within the Flood Risk Assessment as provided as part of the application, subject to conditions restricting the raising of ground levels and finish floor levels. This condition would have to form part of any approval granted.

The proposed development is therefore considered to be in accordance with Local Plan policies FW1, FW2 and the NPPF.

Ecological Impact

WCC Ecology have commented on the application and note that their comments remain the same as for previous application ref: W/14/1796. They recommend notes in relation to nesting birds, hedgehogs and indigenous plants. These are considered to be reasonable and could be added if the application were approved.

Waste

There is adequate space to the front of the site for the storage of waste and recycling. It is noted that Waste Management have no objection to the proposal.

Other Matters

The anticipated vehicle use by residents of the new development is likely to cause an incremental increase in traffic in areas of poor air quality within the district. To offset this it is recommended that the developer is required to provide electric vehicle charging facilities for the new dwelling. A condition could be added to secure this if the application were being approved.

A condition to secure compliance with FW3 (water efficiency) could also be added to any approval granted.

Conclusion

The proposed development would represent a contrived, cramped and incongruous form development which would be harmful to the street scene and Conservation Area. The development is therefore considered to be contrary to Local Plan policies BE1, HE1, HE2 and the adopted relevant guidance. The application should therefore be refused.

REFUSAL REASONS

- 1 Local Plan Policy BE1 requires all development to respect surrounding buildings in terms of scale, height, form and massing and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area.

The explanatory text for Policy HE1 clarifies that in considering applications relating to Conservation Areas, the Council will require that proposals do not have a detrimental effect upon the integrity and character of the building or its setting, or the Conservation Area. Local Plan Policy HE2 supports this and states that it is important that development both within and outside a conservation area, including to unlisted buildings, should not adversely affect its setting by impacting on important views and groups of buildings within and beyond the boundary.

In the opinion of the Local Planning Authority the proposal would represent a contrived, cramped and incongruous form of development which would be at odds with the generous, spacious nearby plots and the character and appearance of this part of the Conservation Area. The

development is not considered to harmonise well with the existing built form within the street scene and Conservation Area by virtue of its relatively small, contemporary and cramped design. This is not considered to preserve or respect the character of the Conservation Area.

The harm identified is considered to be less than substantial, however it is considered that there are no public benefits which would outweigh this harm. The development is thereby considered to be contrary to the aforementioned policies.

Planning Committee: 09 October 2018

Item Number: 15

Application No: W 18 / 1729

Town/Parish Council: Whitnash

Registration Date: 06/09/18

Case Officer: Rebecca Compton

Expiry Date: 01/11/18

01926 456544 rebecca.compton@warwickdc.gov.uk

35 Greville Smith Avenue, Whitnash, Leamington Spa, CV31 2HQ

Rendering of existing house and erection of single storey side and rear extension
in matching render FOR Mrs J Robbins

This application is being presented to Committee as the applicant is an employee of Warwick District Council.

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 re-submission of a previously approved application for a single storey rear and side extension to allow for the main property and the extensions to be rendered.

THE SITE AND ITS LOCATION

The application property is semi-detached bungalow located on the east side of Greville Smith Avenue, Whitnash. The area is a mix of bungalows and two storey semi-detached dwellings.

PLANNING HISTORY

W/17/2136 - Erection of a single storey side and rear extension - Granted 11 January 2018.

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- Guidance Documents
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Residential Design Guide (Supplementary Planning Document- May 2018)

- Parking Standards (Supplementary Planning Document)
- Neighbourhood Plan
- Whitnash Neighbourhood Plan

SUMMARY OF REPRESENTATIONS

WCC Ecology: Recommend initial bat survey.

ASSESSMENT

Design and impact on the street scene

The proposed rear and side extensions are considered of an appropriate design and are to be rendered, the main property will also be rendered. There are a number of examples of render in the immediate street scene and wider area and therefore the use of render is considered to be sympathetic to the street scene. The proposed side extension is set back and set down from the existing property to create a subservient addition to the property in accordance with the Residential Design Guide SPD and Local Plan Policy BE1 of The Warwick District Council Local Plan 2011-2029.

The impact on the living conditions of the occupiers of the neighbouring properties

The single storey rear extension will breach the Council's adopted 45° line taken from the neighbouring property at No.37 Greville Smith Avenue. The proposal will therefore impact on light and outlook. However, in isolation, the proposed rear extension could be constructed under the government's impact based permitted development rights and therefore in the particular circumstances of this case, it is not considered reasonable to refuse planning permission on these grounds. It is also noted that the neighbour has not raised any objection to the proposal.

Parking

The proposed extensions will not affect the current driveway parking and will not result in a need for further parking spaces in accordance with the Council's adopted SPD. The development is therefore considered to be in accordance with the Parking Standards SPD.

Ecology

Taking a precautionary approach, the County Ecologist has recommended that a preliminary bat survey is required prior to the determination of the application. This request has been considered, however, it is also noted that the existing dwelling is well sealed and is located within a built up area with other dwellings in close proximity.

On this basis, it is considered that the likelihood of bats is relatively low and a bat note advising the applicant of their responsibility in relation to protected species protected under separate legislation would be more reasonable and appropriate in this case.

Conclusion

For the reasons set out above, the proposed development is considered to be acceptable in terms of design and amenity.

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 17/46-02 A, and specification contained therein, submitted on 06th September 2018. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
-

Planning Committee: 9 October 2018

Item Number: 16

Application No: [W 17 / 2398](#)

Town/Parish Council: Burton Green
Case Officer: Debbie Prince

01926 456529 debbie.prince@warwickdc.gov.uk

Registration Date: 22/02/18

Expiry Date: 19/04/18

Red Lane, Burton Green, Kenilworth, CV8 1PF
Construction of new Village Hall FOR Cheryl Wall

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

RECOMMENDATION

That planning permission be granted subject to conditions

DETAILS OF THE DEVELOPMENT

The proposal involves the construction of a new village hall for Burton Green with car park, boules pitch and outside recreation area to replace the existing hall which is due for demolition to make way for the construction of the high speed railway HS2.

THE SITE AND ITS LOCATION

The application area is an agricultural field which slopes towards the existing route of The Greenway cycle and bridleway and the route of HS2. The site is also located in the Green Belt and the HS2 safeguarding area on the north eastern side of Red Lane between the mobile homes at Broadwells Wood and a row of houses at the northern end of the road.

PLANNING HISTORY

The site has been included in the High Speed Rail (London – West Midlands) Act 2017 as the location for the new Village Hall.

RELEVANT POLICIES

- National Planning Policy Framework
- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)

- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- DS18 - Green Belt (Warwick District Local Plan 2011-2029)
- CT1 - Directing New Meeting Places, Tourism, Leisure, Cultural and Sports Development (Warwick District Local Plan 2011-2029)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR2 - Traffic generation (Warwick Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)

SUMMARY OF REPRESENTATIONS

Burton Green Parish Council supports the application subject to conditions.

WCC Archaeology - No objection subject to conditions

HS2 Safeguarding- has no objection

WDC Environmental Health - Has no objection subject to conditions

WCC Archaeology- No objection subject to conditions

WCC Flood Risk Management - Objects on the grounds of lack of information. They do however suggest that the issues can be covered by the imposition of conditions.

WCC Ecology - Holding objection subject to conditions being met to demonstrate that there will be no significant loss to biodiversity

WCC Highways - No objection subject to conditions

Severn Trent Water- No objection subject to conditions

Public Response:

5 objections have been received on the grounds of :-

- Lack of consultation
- Noise and light pollution
- Impact on neighbours
- Highways and Road Safety
- Impact on the rural landscape
- Site Security
- Intensification of use
- Orientation of building needs to be changed.
- Access needs to be combined with the access to the "Cala Homes" site.

1 comment was received suggesting that the design of the hall should be more contemporary and that it should include a Common Room and lettable offices.

ASSESSMENT

Background

The Community of Burton Green have been greatly affected by the route of HS2 which cuts through the centre of the village. One of the major impacts is the loss of the existing village hall which is an important community facility and it is imperative that the new facility is built before the other is commandeered by HS2 to ensure that the activities that take place and community bodies that use the hall have some continuity. The proposed site was selected by HS2 and is covered by the Act (High Speed Rail (London – West Midlands) Act 2017). Therefore in effect the village hall has deemed outline permission.

Principle of Development

The site for the new Village Hall was selected during the Hybrid Bill process for the HS2 project in 2015, and replaced the previously identified site at Hob Lane. The Hybrid Bill for phase one received Royal Assent on February 23rd 2017. Although the site is in the Green Belt it is now identified in the High Speed Rail (London – West Midlands) Act 2017 as the location for the new Village Hall. Section 2.2 and Chapter 3 of the HS2 Supplemental Environmental Statement and Additional Provision 2 Environmental Statement (July 2015) provide full background and assessment of the changes to the scheme which relocated the Village Hall to the site at Red Lane. The factors amount to the very special circumstances necessary to grant Planning Permission, as the development has already been assessed in the Environmental Statement and is committed in the Act itself.

Neighbours Amenity

The nearest residential property to the north of the site is "Stonegate". The new village hall would be located approximately 70m away from this property with intervening landscaping and the vehicular access 20m away. To the south lies the properties at Broadwells Woods, the closest being approximately 48m from the village hall and 36m to the boules area. The applicants have carried out a Community Engagement exercise regarding the design of the hall and neighbours were involved in this. However, there are a number of neighbours who feel that their suggestions were not considered and are still concerned that the orientation of the building and the location of the car park could give rise to unacceptable noise nuisance and possibly light pollution. Therefore, the Environmental Health Officer has investigated their concerns thoroughly. Following these further investigations the Environmental Health Officer has subsequently concluded that subject to the construction of an acoustic bank and fence on the northern side of the car park and other conditions that would protect the amenity of residents at Broadwells Wood there would be no significant harm to the neighbours amenity.

Highways

The Highway Authority has no objections subject to conditions and have stated that the applicants have demonstrated that the highway network can adequately accommodate the traffic movements likely to be generated by the proposal and that suitable visibility splays can be achieved.

Furthermore, the number of car parking spaces provided is acceptable and is in accordance with the District Council's current parking standards. A condition

requiring the installation of a "goal post" style barrier rather than the barrier originally proposed at the entrance to the car park would provide security without causing the unnecessary queuing of traffic on the highway.

Low Emissions

A condition will be added to secure electric charging points as required by the Council's Low Emissions Strategy.

Design and Landscape

The proposed design of the hall is contemporary but is considered acceptable in this location being surrounded by a variety of residential properties including mobile homes and a proposed residential development on the opposite side of Red Lane by Cala Homes.

The landscaping scheme has been amended to reflect the character of Red Lane and give better cohesion. This scheme is now acceptable and will serve to provide an attractive setting for the village hall.

Ecology and Archaeology

The application site is an arable field surrounded by hedgerows. The building of the hall would mean there is a residual habitat loss. The NPPF states:-

"if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused."

However, the applicants have demonstrated that the proposed landscaping scheme would serve to adequately compensate for this loss and would further result in a biodiversity gain.

The proposed development lies within an area of archaeological potential and there is a possibility that the proposed development would disturb archaeological deposits pre-dating the medieval and later agricultural use of this area. Therefore conditions have been imposed to ensure that there is a strategy to mitigate any impact on the archaeology of the area.

Conclusion

The applicants have demonstrated unique and very special circumstances for the location of this development within the Green Belt. The proposal is therefore considered acceptable in principle and is considered an appropriate form of development for the site. The proposal would also respect the character of the local area and its design and layout would not have an adverse impact on neighbours' amenity sufficient to warrant refusal. Matters of access, car parking, landscaping and the impact on archaeological potential are considered acceptable subject to conditions. For these reasons, Officers recommend that planning permission is granted.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 3131/03D, 3131/04, 3131/05, 3131/06, LEHE 24-001, Impact Acoustics Assessment Report and specification contained therein, submitted on 1st August 2018, 21st December 2017, 2nd August 2018 and November 2017 respectively. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 Other than site clearance and preparation works no works shall commence on the construction of the development hereby permitted until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
- 4 No development shall take place within the application site, unless and until:
 - (a) 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;
 - (b) the programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI has been undertaken and a report detailing the results of this fieldwork shall be submitted to the planning authority; and
 - (c) an Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) has been submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.

The development, and any archaeological fieldwork post-excavation

analysis, publication of results and archive deposition detailed in the Mitigation Strategy document, shall be undertaken in accordance with the approved Mitigation Strategy document.

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 HE4 of the Warwick District Local Plan 2011-2029.

- 5 The development hereby permitted shall not commence until details of the acoustic fence and earth bund have been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be occupied until the fence and bund have been installed in strict accordance with the approved details. The fence and bund shall be retained at all times thereafter. **REASON:** To protect the amenities of occupants of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.
- 6 Prior to commencement of the development a scheme for the proper disposal of foul sewage from the site shall be submitted to and agreed in writing with the Local Planning Authority. **Reason:** To ensure that the proposal is built in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
- 7 The development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Low Emission Strategy Guidance for Developers (April 2014) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan.
- 8 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 shall have been submitted to and approved in writing by the local planning authority. The scheme shall include
 - i) Cross-sections of the swale or permeable paving features have been provided to demonstrate design in accordance with CIRIA C753, The SuDs manual.
 - ii) Demonstrate the performance of any drainage for a range of return periods up to the 1 in 100 year plus climate change event
 - iii) Demonstrate that consideration has been given to any exceedance

flow and overland flow routing.

iv) Evidence for the ongoing management and maintenance of any drainage features for the lifetime of the development.

The approved systems shall thereafter be retained and shall be managed and maintained in strict accordance with the approved details.

REASON: To ensure that a satisfactory means of drainage is provided such as to minimise flooding and which promotes and maintains the good stewardship of the natural and built environment in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029.

9 The development shall not be occupied until:

(a) a scheme has been submitted to and approved by the Local Planning Authority in consultation with the Highway Authority to improve public highway C15 D Red Lane by means of providing an uncontrolled pedestrian crossing facility linking to the footpath on the opposite side of Red lane from the proposal; and

(b) the pedestrian crossing approved under (a) has been installed in strict accordance with the approved details.

REASON: In the interests of vehicular and pedestrian safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

10 The development shall not be occupied until visibility splays have been provided to the vehicular access to the site measuring 2.4 x 120m to the east and 2.4 x 150m to the junction of Red Lane and Cromwell Lane to the west in strict accordance with submitted drawing 19405-02 (appendix D of the transport statement). No structure, tree or shrub shall be erected planted or retained within the splays exceeding or likely to exceed at maturity a height of 0.6 metres above the level of the public highway carriageway. **REASON:** In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

11 The development shall not be occupied until an access for vehicles has been provided to the site not less than 5.5 metres in width for a distance of 7.5 metres, as measured from the near edge of the public highway carriageway. **REASON:** In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

12 The access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a bound macadam material for a distance of 7.5 metres as measured from the near edge of the public highway carriageway. **REASON:** In the interests of

highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

- 13 The access to the site for vehicles shall not be used unless a bellmouth has been laid out and constructed within the public highway in accordance with the standard specification of the Highway Authority.
REASON: In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

- 14 Prior to occupation the a goal post style barrier for the vehicular access shall be installed in strict accordance with details that shall have been submitted to and approved in writing by the Local planning Authority. The barrier shall be retained at all times thereafter. **REASON:** To ensure that the proposal is built in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

- 15 Noise arising from any plant or equipment at these premises , when measured one metre from the façade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB(A) measured as LAeq(5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level

Any combustion plant at the premises must be designed, installed and operated to avoid emission of smoke, dust, fumes or odours causing nuisance to neighbours.

REASON: To protect the amenities of occupants of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

- 16 No person shall use and no activity shall take place on any outside area of the site after before 0700 hours of after 2200 hours on any day.
REASON: The outside recreation area is located near to residential properties and the local planning authority considers it necessary to strictly control the nature and intensity of use of this area in the interests of the amenities of the locality in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.
