

Planning Committee: 17 February 2004
Investigation No: ENF467/48/03

Principal Item Number: 01

Town/Parish Council: Stoneleigh

Case Officer Mike Duffett
01926 456520 planning_appeals@warwickdc.gov.uk

**Coventry Airport, Land adjacent to south apron, Siskin Parkway West,
Middlemarch Business Park, Coventry, CV3 4PA**

Alterations to runway overrun area, construction of new buildings, engineering works including internal access road and importation of materials for hard standing areas and use of part of airport for the storage of new cars.
FOR West Midlands Int. Airport Ltd

SUMMARY OF REPRESENTATIONS

Representations have been received regarding a number of activities at the airport which have raised concerns over potential breaches of planning control. These are as follows:

- Construction of new buildings on the south side of the airport
- Importation of brick rubble material being crushed in the vicinity of Gate 4 on the south side of the Airport
- Works to the runway overrun area adjacent to the threshold of runway 05 (Bubbenhall Road end)
- Creation of an internal access road to the rear of Oak Close, Baginton
- Storage of motor vehicles adjacent to the Royal Oak public house, Baginton

In addition, investigation has been requested in respect of:

- Works to nearby trees
- Condition of security fencing.

CURRENT SITUATION

Most of the above issues (except for the car storage and roadway) are associated with the publicised intent of an airline operator to operate from Coventry Airport from the end of March. A planning application for a permanent terminal building is currently under consideration (see later). There is therefore a degree of interlinking between the issues as they are part of an approach adopted by the airport of putting sufficient infrastructure in place to be able to operate from March 31st.

Investigation of all the above issues has been undertaken and is continuing. Breaches of planning control are serious matters and need to be fully investigated to ensure the most appropriate course of action is undertaken. In the case of certain of the activities outlined above, further work is necessary to consider the most effective options for Members to consider. This is because of the recent nature of the work; its evolving character and the need to take further legal advice.

Given that Members have already set a date of 6th March for a site visit to the airport in connection with the planning application for the new terminal, I consider it appropriate for this to be an opportunity for Members to familiarise themselves with the above items on site, as well as the application site. Members would then receive a further report on enforcement at the subsequent Planning Committee meeting with advice on appropriate courses of action where these are currently undergoing further investigation.

PLANNING HISTORY

The Airport has been in existence for many years, predating the existing planning system. The airport benefits from established use rights because of the continuity of aviation activity over a significant period. The effect of this is that the operation of aviation activity at the airport does not fall within planning control. In practice, this means that the local planning authority does not have the power to control the nature and number of air movements or vary the operating hours of the airport.

However, where proposals at the airport involve development, this does fall within planning control and there have been a number of planning applications over the years. Since the time the Airport has been operated by West Midlands International Airport Ltd, a relevant airport operator in the context of Planning legislation, it has benefited from permitted development rights conferred by the Town and Country Planning General Permitted Development Order (see later). Nevertheless, development not falling within the permitted development categories still requires express planning permission and planning applications are required to be made to the local planning authority.

The planning applications of most relevance in setting a framework for the current issues are as follows:

W90/0065 – Erection of a new airport terminal building, other operational buildings for airport related uses, construction of vehicular and pedestrian accesses at adjacent to Coventry Trading Estate (the “Airpark” permission)

This outline application was granted permission in 1990. Whilst many elements concerning the development of the former trading estate have been the subject of subsequent applications and development of this area is now largely completed, no detailed progress was made on the passenger terminal. An application to extend the period for the submission of reserved matters was approved in 1993 and again in 1998 with a condition that reserved matters be submitted in 3 years and that development be commenced within 5 years. A further application submitted in 2002 was withdrawn

W96/0454 Parcellforce development - Erection of single and two storey buildings for parcel sorting and distribution adjacent to Coventry Trading Estate.

This application, for the development of the Parcellforce airhub, was approved in 1998. An associated Section 106 Agreement was put in place to mitigate the incursion into Green Belt on the South side. The intent of this agreement was to put in place a range of measures to reduce the impact of ground based aviation on the north side of the airport adjacent to Baginton Village in anticipation of the movement of aviation activity to the south side through the implementation of the Airpark permission.

W20030473 – Construction of airport passenger terminal and associated car park, access roads and infrastructure, land adjacent to the south apron off Siskin Parkway west, Baginton

This detailed application was made in March 2003 and has been the subject of extensive consultations, and because of the scale of the proposal an Environmental Impact Assessment (EIA) was included in the submission. Due to the complexity of the issues and outstanding consultation responses a report has yet to be placed before the Planning Committee.

W991492 – Certificate of lawfulness for proposed development for works to the end of the runway adjacent to Bubbenhall Road

A certificate of lawful development was granted in 2000 for the hard surfacing of an area of 175m by 46m as an overrun area to runway 23 close to Bubbenhall Road. This Certificate was granted on the basis that this was purely for safety purposes and would not result in an extension to the runway for the purposes of landing and taking off of aircraft. This was confirmed in writing by the Civil Aviation Authority (CAA) in correspondence with the Airport (letter attached as Appendix One). The effect of the Certificate is to confirm the proposed work as permitted development.

RELEVANT PLANNING POLICIES

Warwickshire Structure Plan 1996 – 2011 policy T.12 (Air Travel) acknowledges that Birmingham is the main international airport in the region and with regard to Coventry Airport states:

“...Coventry Airport will be the focus for aviation activity in Warwickshire. Only facilities ancillary to the operation of existing commercial aviation activity, such as cargo and passenger handling, should be provided for in the district local plan where:

- a. It can be accommodated within the existing airport curtilage
- b. It does not require the removal of land from the Green Belt
- c. The development is consistent with regional and national airport strategies; and
- d. The surface access needs can be accommodated in a manner compatible with this Plan; and
- e. An Airport Surface Access Strategy is put into effect should the airport cater for 1000 passenger air transport movements (PATMs) or more per annum.”

Warwick District Local Plan (1995) policies (DW) EMP3 and (DW) TR9 are also relevant. The area where in recent years airport buildings have been erected on the south side of the airport (e.g. Business Aviation Centre – Rapide House) is on land allocated for airport-related employment and airport terminal buildings. Policy (DW) TR9 further requires that development will only be permitted where it is for the purpose of modernisation of existing facilities, improvement of safety facilities or development for cargo handling.

The emerging Warwick District Local Plan 1996-2011 (First Deposit Version) contains relevant policy SSP7 which states that development at Coventry Airport will only be permitted within the area defined on the Proposals Map where:-

- a. it consists of facilities for aviation activity undertaken at the airport; and
- b. the environmental, surface access and amenity impacts can be mitigated to acceptable levels.

Other relevant policy related documents include the government policy on air transport as set out in The White Paper ‘The Future of Air Transport’ published on 16 December 2003, and the Regional Planning Guidance (RPG) for the West Midlands to 2021 published in draft in November 2001 and examined in public in June 2003. The emerging Airports Policy (T11) in the RPG is to be reviewed in light of the now published White Paper, however, as it stands it requires proposals to be subject to rigorous environment assessment.

The Warwickshire Local Transport Plan 2000 also sets out an overall Aviation Strategy for Warwickshire. Its objectives include improving the accessibility of the main airports within the County and it recognises the potential for increased passenger numbers at Coventry Airport to require an Airport Surface Access Strategy.

KEY ISSUES

Coventry Airport is located within the administrative boundary of Warwick District, in close proximity to the urban area of Coventry and the village of Baginton. The northern part of the airport and the runways themselves are within the Green Belt, whilst the area now occupied by airport buildings, including Rapide House and Merlin House are within the area allocated for airport development in the 1995 Local Plan and adjacent to the Green Belt.

The key issue is whether the development work which is being or has been carried out within the airport is:

- 'Permitted Development' and therefore capable of being carried out without any form of control from the District Planning Authority
- In accordance with the appropriate Certificate of Lawful Development
- In accordance with the terms of the existing Section 106 Agreement

If, by reason of the nature and scale of the works, breaches of planning control have occurred, Members will need to consider on the basis of the available evidence whether it would be appropriate to take enforcement action to prevent serious harm to amenity and/or the breach of policy objectives, and what action should be taken.

SUMMARY OF INVESTIGATIONS

As part of the investigation, a detailed accompanied site visit of both the north and south sides of the airport was carried out on Tuesday 3 February 2004. This confirmed that there were a number of issues requiring attention, and the history of the investigation into each of the issues is set out below.

Issue 1 - Erection of Modular Buildings

On the south side of the airport, adjacent to existing operational buildings that have been in place for some time, additional modular buildings have been erected which are understood to provide temporary passenger terminal facilities for passengers utilising the Thomsonfly operation, which the airport have announced that they intend to commence on 31st March.

Before considering the background, it is necessary to summarise the permitted development rights that exist for airports.

Airport Permitted Development Rights

The Town and Country Planning General Permitted Development Order 1995 (Part 18 of the Order) sets out what constitutes permitted development (and therefore does not require planning permission) in relation to development at an airport. Development (including the erection or alteration of an operational building) connected with the provision of services and facilities at an airport are permitted development. Furthermore, the use of buildings within an airport for purposes connected with air transport services or other flying activities at an airport is also permitted development. This includes buildings required in connection with embarking and disembarking of passengers at an airport.

These permitted development rights do not extend, however, to the construction of a passenger terminal with a floor space exceeding 500 square metres. The floor space is an external measurement. Moreover, the above permitted development rights are withdrawn where the development would require an Environmental Impact Assessment (EIA) as set out in the Environmental Impact Assessment Regulations 1999. Therefore, even if a passenger terminal (involving the construction of one or more buildings) is constructed of less than 500 square metres it is not permitted development if the Council or the Secretary of State has stated that an EIA is required (the process of taking a view as to whether an EIA is required or not is referred to as a Screening Opinion).

Background to Current Investigation

West Midlands International Airport Ltd (WMIAL) wrote on 9th September 2003 informing the Council of their intention to locate a two storey modular building (referred to as Building A) consisting of two floors of 500 square metres each adjacent to Rapide House, Siskin Parkway West. The letter stated that the building was to be used for office accommodation and an extension to the Rapide House lounge and that it considered the proposal to be permitted development and not require planning permission.

The Council undertook an investigation into whether WMIAL had the benefit of permitted development rights, an issue which had emerged during consideration of the planning application for the passenger terminal. After taking advice from Counsel, it was concluded in late October that WMIAL were a relevant airport operator for the purposes of the Order and therefore entitled to permitted development rights.

WMIAL wrote again on 4th November 2003 informing the Council of their intention to locate another modular building (referred to as Building B) consisting of a single storey structure of 144 square metres adjacent to Rapide House to be used for the reception of baggage from passengers utilising the Rapide House and annex facilities (Building A). WMIAL again considered the proposal constituted permitted development.

The Council responded on the 12th November 2003 stating that it was unable to confirm that the proposals were permitted development, as the totality of the proposals could constitute a passenger terminal exceeding 500 square metres. Further details were requested in relation to the use of the buildings, associated works and environmental impacts of the proposals.

In early December 2003, an inspection from Siskin Parkway West indicated that the two storey Building A, and the single storey modular Building B had been placed on site to the side of Rapide House, as well as a single storey modular building adjacent to Merlin House. A large area of land between Merlin House and the airport boundary had been stripped and large quantities of brick rubble were being imported and crushed in the vicinity of emergency exit gate 4. A further letter was sent to WMIAL on the 9th December 2003 requesting as a matter of urgency further information. The possibility of enforcement action being taken was stated.

WMIAL responded in writing on the 17th December 2003 outlining their intentions for the use of the three buildings with an accompanying location plan (attached as Appendix Two). They further elaborated on the reasons why they considered all the buildings were permitted development. At that time, ThomsonFly also announced its intention to start operating from Coventry Airport from March 31st 2004 to a number of European destinations. In a press release, it envisaged that it could cater for 500,000 passengers this summer. The full extent of the proposals had therefore become clear.

Given the nature of the argument put forward by WMIAL and the significance of this matter, the Council sought advice from Leading Counsel. It was concluded that all three buildings (including the upper floor of Building A) served functions of a passenger terminal and the fact that they were in separate buildings did not circumvent the need for planning permission as the Order does not refer to the construction of the passenger terminal needing to be a single building. The floor space therefore exceeded 500 square metres and did not constitute permitted development. Furthermore, the development would facilitate a scale of operation in terms of passenger throughput that may potentially trigger the need for an EIA.

The Council wrote to WMIAL on the 19th January 2004 setting out its opinion and re-affirming its view that the development was unauthorised. It also requested the applicant give full details of the proposal in order for the Council to more accurately assess the environmental impact and adopt a screening

opinion. The applicant was given twenty one days to respond (finishing 9th February 2004) and, in the absence of a response, Members would be recommended to take enforcement action.

The site inspection on Tuesday 3rd February 2004 confirmed that in response to the letter of the 19th January 2004, the single storey Buildings B and C had either been removed or were about to be removed. Instead Merlin House itself (a metal framed modest modern freight warehouse type structure) was now being converted to become the flight arrival area for passengers with the installation of baggage handling conveyor belts etc. It was stated by an Airport representative that this activity would be taking up approximately 50% of the floor area of this building.

With regard to the two storey Building A, the internal inspection confirmed that the ground floor area was being laid out as the area dealing with flight departures, with an area allocated for customs control and a large passenger lounge. The first floor area was also in the process of being fitted out for occupation and consisted of a number of rooms and a more open plan office arrangement. The representative from the Airport emphasised that in the short term the upper floor would be sealed off once the basic fittings had been installed and would not in any way be used as part of the passenger terminal. It was also explained that a toilet block would be attached to the ground floor for use by flight passengers.

The external dimensions of Building A were checked and including the ground based external air conditioning units and the entrance lobby area the new floor space exceeded 500 square metres.

Once passengers are in the departure lounge within building A the intention is for them to then move through a door into an associated area to await the boarding of the plane. There are to be two doors serving each of the two locations planes could be parked. The Airport consider these areas to represent 'piers' or 'satellites' within the apron of the runway, and therefore their size should not be considered in the context of the 500 square metre passenger terminal threshold. It is my view that because of the nature of the linked buildings, at least part of the "pier/satellite" area could reasonably be considered to constitute part of a passenger terminal.

I am of the view therefore that the construction of a passenger terminal in excess of 500 sq metres has taken place.

The issue of the need for Environmental Impact Assessment is based upon two tests, one of which is quantitative and the other open to a degree of interpretation. Firstly, Government guidance establishes applicable thresholds for EIA development and the threshold in relation to construction of airfields is works exceeding 1ha. The proposals, taking into consideration an area for car parking (see below), would exceed 1ha. Secondly, the guidance requires that EIA development must have a significant effect on the environment. Significance should be assessed against the following three broad selection criteria:-

- Characteristics of Development
- Location of Development
- Characteristics of Potential Impacts

Following an initial assessment of the proposals, including the intended level of air operations announced by ThomsonFly in their December press release, the development would arguably have a significant effect on the environment. It is therefore not an unreasonable conclusion at this stage that the level and type of activity generated as a result of the ThomsonFly proposal would require Environmental Impact Assessment. This requirement would remove the permitted development rights that apply to airport development and, regardless of the 500 sq metre threshold, would require planning permission to be sought for the terminal development.

In considering enforcement action, government advice is that consideration needs to be given to the harm created by the breach and that enforcement should be commensurate with the breach of control to which it relates. In this instance, the potential harm arises primarily from the level of activity generated by the activity associated with the terminal. As a position has been taken that the development should be the subject of an EIA, then by definition there are environmental issues of potentially significant impact that must be addressed. Without an application and EIA to enable these and possible mitigation effects to be fully assessed, it would be reasonable to conclude that the development may generate harm.

As mentioned above, the recent nature of the work, the evolving nature of the proposals and the need to obtain further legal advice means that it is not possible at this stage to set out what action will be taken against the Airport. This, however, will form the basis of a future report to this Committee.

Proposed Action

1.1 That West Midlands International Airport be informed that the Council proposes to undertake action to resolve the breach of control arising from building(s) and associated works constructed for the purposes of a passenger terminal use at the Airport

1.2 That further legal advice be taken on the detailed nature of the action to be taken and a recommendation upon that action to be made to the next meeting of the Planning Committee.

Issue 2 – Importation and Crushing of Brick Rubble

This activity is readily viewable on site. During the recent site visit it was indicated by the representative of the Airport that the large pile of crushed material would be distributed in the immediate vicinity of Merlin House and therefore be available for use by passengers using the new passenger terminal and arriving by car. Further information is to be provided by Coventry Airport on this matter. The potential creation of a car park at this location is a matter of concern. This has not yet taken place and therefore monitoring of the situation is required.

In association with the terminal development, such works potentially trigger the need for EIA as it could increase the overall scale of development at this location to beyond one hectare.

Proposed Action

2.1 That West Midlands International Airport Limited be informed that the creation of a car park in association with the terminal development would be a breach of planning control

2.2 That further investigation take place and a report be made to the next Planning Committee

Issue 3 – Works to the Runway

Although Part 18 of the General Permitted Development Order states that development connected with the provision of services and facilities at an airport is permitted development, the construction or extension of a runway is not permitted under this Order and express planning permission is required

A plan is attached (Appendix Three) indicating the various elements of the runway. The details are as below.

The runway is currently 1825m long and 46m wide. The length of the runway available for an aircraft taking off (Take Off Run Available - TORA) is 1615m for runway 05 (aircraft taking off in a north easterly direction) and 1825m for runway 23 (aircraft taking off in south westerly direction). These distances are consistent with the planning history. The established threshold of the runway is 1615m.

The reason runway 23 is longer than runway 05 relates to a planning permission granted in 1989 for a starter strip 210m long at the northern end of the runway. This strip can only be used for aircraft taking off in south westerly direction.

The length of the runway available for an aircraft landing is 1825m for runway 05 and 1615m for runway 23. Again, the reason for the difference relates to the fact that the starter strip on runway 23 cannot be used for aircraft landing from the north east. The source for all of these figures is the National Air Traffic Services website (www.ais.org.uk) although it is noted that other technical websites have marginally different figures.

The Council were informed in December that re-surfacing works would be undertaken to the runway. In its letter of 9th December 2003, the Council requested WMIAL clarify the nature and timing of the works. WMIAL confirmed in writing, on 17th December 2003, that works would be undertaken to the runway overrun area (as per the Certificate of Lawful Use), as part of the resurfacing the whole of the runway to be undertaken early 2004. These works began in January.

Following a site inspection undertaken on Tuesday 3rd February 2004, it is clear that in addition to the work shown on the 1999 lawful certificate plan, the end of the overrun area has been modified to create a circular area. This is allegedly to allow aircraft to turn round once in the overrun area. The maximum overall increase in width of the area is 15 metres, with similar width increases on either side of the approved overrun area. Furthermore, the overrun area has a smooth surface and is not ridged concrete or aircraft-retarding surface as the application for certificate of lawful use stated.

An inspection was carried out at the northern end of the runway where to date no recent re-surfacing work has been carried out. It is understood that a similar turning circle to the northern end of the runway would not be provided.

The development undertaken is different to that allowed in the certificate of lawful development and is unauthorised development. The extent of the additional unauthorised development is shown on photographs attached as Appendix Four.

Concerns have been expressed that the additional area is to allow aircraft to use this overrun area as runway. The nature of the works already undertaken could support such a view. If this were to be the case, then there would be a clear breach of the Certificate of Lawfulness. No permission exists for use of this overrun area as runway. The use of this area by aircraft for any purpose other than to accommodate an aborted take off or landing overrun caused by aircraft malfunction, adverse weather conditions or other unplanned circumstances requiring use of this area as a safety reserve, would constitute its use as a runway, at variance with the terms of the Certificate of Lawfulness granted in 2000.

For the sake of clarity, the following uses of the safety overrun area would be in breach of planning control:

- Use as a starter strip for the commencement of take off runs before the start of runway 05
- Use for backtracking, turning and positioning for take off from the start of runway 05
- Use for normal landing runs on runway 23, including continuation beyond the end of the 05 threshold to turn and backtrack

Action proposed

3.1 That West Midlands International Airport be informed that the engineering operation to the overrun area is not in accordance with the Certificate of Lawfulness and is therefore in breach of control

- 3.2 That the nature of the surfacing be amended to an aircraft-retarding surface and the additional area beyond the certificate be removed, or
- 3.3 That a further application for a certificate of lawfulness be submitted complete with a fully substantiated and verifiable case that the development now undertaken is essential for the safe operation of the overrun area, not for general operational purposes
- 3.4 That such application be submitted within 3 weeks of the date of the Committee otherwise Enforcement Action for its removal will be commenced
- 3.5 That WMIAL be informed that any use of the overrun area for take off or landing and associated taxiing purposes, other than for a notifiable overrun incident, will be in breach of planning control and the Council will take the necessary action to enforce this control
- 3.6 That following further legal advice, a further report be made to this Committee on the actions available to the Council to enforce the restricted use of the overrun area in accordance with planning control

Issue 4 – Internal Access Road adjacent to Residential Properties of Oak Close

On the north side of the airport, between the hangars and the residential properties on Oak Close, excavation and preparation work has taken place with regard to the provision of a roadway within the grounds of the airport around to an area adjacent to a another two storey modular building. known as Shanklin House. The hardcore foundation has been set down along the majority of its length, but work has ceased at present.

These works may be permitted development, although there is a Section 106 Agreement which affects this part of the airport site and removes some PD rights. Coventry Airport has indicated that in the short term it is not their intention to continue with construction of the roadway. Further enquiries, including obtaining legal advice needs to be made to check on whether a planning application is required for these works.

Proposed Action

- 4.1 That further investigation be undertaken and reported to the Planning Committee

Issue 5 – Use of Land adjacent to the Royal Oak Public House for the Storage of New Cars

The affected land is within the security fence of the airport and forms part of the general parking area associated with the airport. The storage activity is clearly visible from Baginton Road. It is not known how regularly the cars (approx 80 – 100) are brought onto the land or removed, but Coventry Airport has indicated that the storage has been in place for some months and may consider it provides a useful additional source of income.

The use of land for the storage of new cars is not an airport related activity and therefore represents a material change of use of this part of the airport. Visually the storage of cars is different from the use by airport staff and visitors, because the density of parking is usually greater and the appearance of the vehicles is very uniform. The activity may also generate additional vehicle movements through Baginton village.

Proposed Action

- 5.1 That further investigation of the issues relating to car storage be undertaken and a further report be made to Planning Committee

Issue 6 – Removal of trees

Coventry Airport must ensure that aircraft can operate safely into and out of the airport. The responsible authority, the CAA, set obstacle clearance requirements which set maximum heights for man made and natural obstacles in the vicinity of the airport runway. It is the Airport's legal duty to ensure these requirements are not infringed and, if necessary, they can apply to the Secretary of State for powers under section 46 of the Civil Aviation Act to control the height of trees on third party land. Any felling or lopping of trees would need to follow appropriate procedures in relation to trees protected by Tree Preservation Orders or other relevant designations. There is otherwise no involvement in this issue by a local planning authority

The trees referred to by members of the public at Chantry Heath Wood are not the subject of a Tree Preservation Order.

Proposed Action

6.1 No action required

Issue 7 - Security Fencing

The condition of security fences at Coventry Airport is a matter enforced by the Aviation Security Division of the Department for Transport. It is understood that discussions are ongoing between the Airport and the Division over matters such as perimeter security. This is not a local planning authority issue.

Proposed Action

7.1 No action required

Recommendations

1. That the Actions set out in respect of Issues 1 to 7 be approved.
 2. That a further report be made to the next Planning Committee on 10th March
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Planning Committee: 17 February 2004
Application No: W20031607

Principal Item Number: 02

Town/Parish Council: Leamington Spa

Registration Date: 14/10/2003
Expiry Date: 09/12/2003

Case Officer: John Beaumont
01926 456533 planning_east@warwickdc.gov.uk

42-46 Lillington Road, Leamington Spa, CV325YZ
Demolition of 3 dwellings and erection of 8 dwellings and 16 apartments.
FOR Cala Homes Midlands Limited

This application was deferred by the Planning Committee at the meeting on 26th January 2004 to enable a site visit to take place on 14th February 2004. The report which follows is that presented to the Planning Committee on 26th January 2004, updated to include matters referred to in the addendum to that meeting and with a revised recommendation in the light of the applicants letter dated 23rd January 2004 stating they were not prepared to provide affordable housing at 40% on this scheme. The specific questions posed by members on the definition of brownfield sites and "windfall" housing provision are also responded to in this section.

1) Is the garden of an existing dwelling properly described as previously developed land?

The definition of previously developed land is set out in Government guidance. The key document here is Planning Policy Guidance Note 3 (PPG3) on Housing published in 2000. This states:-

"Previously-developed land is that which is or was occupied by a permanent structure (excluding agricultural or forestry buildings) and associated fixed surface infrastructure. The definition covers the curtilage of the development. The curtilage is defined as the area of land attached to a building. All of the land within the curtilage of the site will also be defined as previously developed land....."

It is therefore clear that the garden of a dwelling is classified as previously developed land.

2) Given that in the light of the Warwickshire Structure Plan (1996-2011) the district is not making further allocations of housing land and it is considered that housing supply in the District may exceed the numbers of housing allocated for the period 1996-2011, can sites such as this be properly considered as acceptable windfall sites.

It is correct that the projected housing figures for the District over the period of the local plan (as set out in appendix 2 of the local plan) are likely to exceed the strategic requirements set out in the Structure Plan. In order to meet these targets, the draft local plan has not made any allocations however has made a number of assumptions. These are as follows:-

1. That housing allocations made in the previous local plan (notably those at Warwick Gates and South West Warwick) will be completed.
2. That a certain number of windfall sites will continue to come forward across the District.

It is on the basis of these assumptions that it is not felt necessary to make any housing allocations.

A key issue for the local plan has been the extent to which windfall housing will continue to come forward. The site that is the subject of this planning application is one such site. The local plan has predicted that, if left unchecked, windfall figures will continue to come forward at a greater rate than that required to meet our strategic housing targets. In order to suppress this, the local plan has put in place a range of measures including restricting housing development in rural areas, preventing any house building on new green field sites and protecting existing employment land and buildings. It is expected that these measures will, over the period of the local plan, have an effect on the number of windfall sites coming forward. Progress on this will be checked through the annual monitoring of the local plan and on housing completions.

This exercise, of course, is never an exact science. The role of the local plan is to provide a broad framework of planning policies to guide and control development in the District. It is not to give a "ceiling" for the number of new homes that can be permitted above which all further planning applications will be refused. An application that is considered in accordance with the policies of the local plan and is acceptable in all other respects cannot simply be refused because monitoring information indicates that the strategic housing target has been exceeded.

In view of this, then at the present time it is correct that this site is still considered a windfall site.

SUMMARY OF REPRESENTATIONS

Leamington Town Council - Object. Proposed density represents an overdevelopment of the site, possibly contrary to PPG3, which will generate considerable vehicular movements in close proximity to a busy junction to the detriment of highway safety.

Neighbours - One neighbour has written to raise no objection. One letter has been received raising no objection in principle to redevelopment but stating present proposals are overdevelopment (a further letter indicated 4 or 5 dwellings may be appropriate). One local resident considers principle of development cannot be objected to but is concerned about high density character of development and the precedent this will create in suburban areas and the lack of affordable housing. 28 letters of objection have been received with two individuals writing further letters to emphasise objection on policy grounds, including those in the Warwick District Local Plan 1996-2011. The principal grounds of objection identified were :- loss of privacy; loss of daylight/sunlight; traffic generation/car parking; detriment to character of street scene and area generally; overdevelopment (density of 66/hectare would exceed Governments range of 30-50); poor design of excessive height; out of harmony with existing dwellings; unacceptable loss of existing dwellings; noise/ disturbance; loss of outlook; undesirable precedent for similar schemes; loss of existing landscaped gardens/trees and detrimental to wildlife habitats; development would be incongruous with neighbouring properties; loss of open character to street; possible increase in anti-social behaviour due to higher densities/affordable housing; loss of executive housing to detriment of housing mix in the town; undesirable incorporation of backland development, difficult to service, with low archway access likely to restrict traffic movement and causing a highway danger; contrary to Government Policy in PPG3 and policies in Warwick District Local Plan 1995 and 1996-2011.

Ward Member, Councillor Goode

"I understand that Cala Homes have now been advised that this development must include 40% affordable housing and that at present they are continuing with the application as originally submitted.

I am opposed to this development on three main grounds:-

Firstly, the proposed development would completely change the character of the area. At present the street scene is of large detached houses of some note (perhaps not of significant architectural importance but nevertheless important to the immediate area and also to local people who regularly travel along this stretch of road, myself included). However, it is the immediate residents who would suffer the greatest impact of any such development. Whereas now they have a view across to attractive buildings with pleasing front gardens containing trees and shrubs and large open spaces between the properties affording views of further trees and expanses of sky, if the proposal were to be granted, they would be confronted by a monolithic mass which would be closer and higher and would block out much of the natural daylight which these people presently enjoy.

Secondly, the numbers of new residents and their inevitable vehicles would clog the area, would cause parking problems and potentially dangerous situations for traffic movement near to the roundabout at the junction with Lillington Avenue.

Lastly, I have great concerns regarding the sustainability of demolishing three perfectly good, sound buildings. I can see no good reason for doing such a thing. I see this application as one of an opportunistic nature on behalf of greedy developers and would urge you to refuse permission so that we may maintain the integrity of our beautiful town."

James Plaskitt MP has written to support residents concerns. He states .."I am aware of developers attempting to buy up perfectly good properties in a number of parts of the town in order to tear them down, to be replaced by far denser developments. I dont think this is in the towns interests. Nor do I think it is what the government had in mind in its revised planning guidance."

Environment Agency - No objection.

W.C.C. (Ecology) - No objection subject to bird/bat notes.

W.C.C. (Fire and Rescue) - No objection subject to conditions on water supply/fire hydrants.

W.C.C. (Planning) - "The proposed development appears to accord with the general development policies of the adopted WASP 1996-2011 because the development would be within the main town of the District.

In terms of developer contributions, there would be a requirement for a contribution for Libraries (£2462), Education (£20400 for secondary places) and Public Transport (£10000 contribution for the nearest bus infrastructure).

W.C.C. (Highways) - "In order to comply with Warwickshire Highway Design Guide, shared private drives where a 30 mph speed limit is in force, the visibility requirement is 2.4 metres x 90 metres. Also the drives need to be not less than 5 metres wide to enable 2 vehicles to pass.

While the applicant is able to comply with the aforementioned, there are highway trees within the vision splays. However, I do not consider impact of the trees to justify a highway objection.

The layout as shown is not ideal for the following:

Archway under the apartment block to be too narrow for 2 vehicles to pass.

Parking bays 28 to 31 have insufficient space to manoeuvre.

Drivers leaving bay 31 and 30 to some extent are at risk as they would be unaware of a vehicle approaching through the archway.

A refuse collection vehicle would not be able to manoeuvre within the site. In the circumstances bin collection would need to be located within 25 metres of Lillington Road.

Both driveways to be 5 metres wide.

Covered cycle racks to be provided within the curtilage of the site.

All parts of existing accesses to Lillington Road, not included in the proposed means of access, to be permanently closed and the public highway features, including the verge and kerb line, to be reinstated in accordance with details approved in writing by the County Authority.

Work within the public highway to be carried out by a contractor approved by this Authority. Not less than 7 days notice should be given to the Divisional Surveyor (01926 412515) before work is carried out in order that he may carry out inspection for which a charge may be made.

It is the intention of this Authority to include Lillington Road as part of a 'Safer Routes to School' scheme. In the circumstances the applicant will be required to contribute to the scheme at the rate of £50 per unit. More information can be obtained from Margaret Hodgson WCC Cycling Officer (01926 735682)."

Head of Amenities - "I have revisited the site and have been contacted by the applicant's arboriculturists, Marishall Thompson.

The two cedars to the rear of 46 Lillington Road are relatively young and have been 'topped' in the past. This is a wholly inappropriate management technique for a cedar and the trees are unlikely to ever regain a natural look. Their loss would do no great harm to the amenity of the area if accompanied by a suitable replanting programme.

I also have concerns about the large, street side oak to the front of the property. The paved surface on the submitted plans comes considerably closer to this tree than the existing surface, and well within the canopy. Whilst the position of the access has not changed significantly the proposed surface swings right behind the tree much sooner than the existing surface.

This tree is very significant in the street scene. It is also over mature and has some decay at the base. Whilst this decay may not be of safety significance at present the future safe useful life expectancy of the tree is limited. Given its age and condition, it is unlikely to withstand such changes to the surrounding surfaces.

There is an argument for removing it and replanting. Politics will, I suspect, play a part in this decision. It could be retained for a period if the layout of the hard surface is redesigned, but that period will be limited. Marishall Thompson will give consideration to their preferred option."

RELEVANT POLICIES

Government guidance :- PPG1 (General Principles), PPG3 (Housing) and PPG13 (Transport).

Warwickshire Structure Plan 1996-2011:- GD1 (overriding purpose); GD3 (overall development strategy); Policy H2 (affordable housing); T1, T4, T5 (Traffic); T10 (Developer Contributions).

Warwick District Local Plan 1995 :- ENV3 (Development Principles); H5 (Infill development); NB. Planning Committee on 28th January 2002 resolved that policies H22 (on housing density) and T7 (car parking) were not in conformity with the Warwickshire Structure Plan.

Warwick District Local Plan 1996-2011 (First Deposit Version) :- DP1 (Layout and Design), DP2 (Amenity), DP3 (Natural Environment), DP5 (Density), DP6 (Access), DP7 (Traffic generation), DP8 (Parking); SC9 (affordable housing); UAP1 (Directing new housing development).

PLANNING HISTORY

There is no relevant planning history to this site

KEY ISSUES

The Site and its Location

The site is not within a Conservation Area (the boundary of the Conservation Area for Leamington Spa is to the south of Oak Tree Court which runs alongside 40 Lillington Road) and no building on the site or within its immediate vicinity is 'listed' as being of special architectural or historic interest; it is

understood the 3, detached, two storey houses presently on the site were erected in the late 1950's/early 1960's. The site has an area of some 0.37 hectares. The existing dwellings are set within landscaped gardens which include a number of existing trees. To the north and south of the site are similar detached properties, with a large dwelling to the east accessed via Oak Tree Court to the south. Opposite the site are dwellings of a variety of ages and styles with a more modern development of two storey properties with accommodation in a mansard roof being located at the junction of Lillington Road and Lillington Avenue.

Details of the Development

The design and layout of the scheme has been amended. As amended it contains the following elements:-

- The demolition of the existing three detached houses.
- The felling of a number of trees within the site, retaining the majority of trees on the rear/side boundaries and on the street frontage (no existing highway trees are shown to be felled). The site does not contain any trees, the subject of a Tree Preservation Order.
- The construction of a block of 3 town houses on the northern section of the site frontage; the northern most unit would be two storey with accommodation in the roofspace to provide a total of 3 bedrooms whilst the southern two units would be three storey with 4 bedrooms; the second floor accommodation would be lit by dormer windows. All these properties would have an integral garage on the ground floor with a first floor lounge on the front elevation. These houses would all share the existing northern access to No. 46 Lillington Road.
- The construction of a block of 2 and 3 storey flats on the balance of the site frontage. This block would contain 6, 2 bed flats, 8, 3 bed flats and 1, 1 bed flat. The block would comprise a number of components to 'break-up' its massing and would incorporate elements including chimneys, dormer windows, bay windows and stone string courses. The block would step down at its southern end to be two storey in height with accommodation in the roofspace; at its highest it would be 3 storey with accommodation in the roof space. A rear wing is incorporated in the design together with an archway access to the rear of the site; cycle parking would be incorporated within this archway.
- To the rear of the site it is proposed to provide a parking court with 20 car parking spaces and a further 5 spaces in a garage block which would also incorporate a first floor flat with 2 bedrooms at a first floor level; this would include no windows on the rear elevation where it adjoins the garden of 40 Lillington Road.
- Within the rear of the site it is also proposed to construct a terrace of 5, 2 bed houses; these would be of a 'cottage' style design with a 'cat slide' style rear roof slope incorporating only roof lights at a first floor level. The projecting single storey rear wings of these cottages would be some 12m from the rear garden boundary with 48 Lillington Road.
- The scheme also includes six car parking spaces to the front of the proposed flats fronting Lillington Road and an open parking area in front of the block of 3 town houses with 2 bin collection points in the front garden areas; other bin store areas are within the rear of the site. A pedestrian link is also shown from the Lillington Road to the frontage development.
- The applicants agent has submitted Design and Planning Statements in support of the application together with several other letters of support and copies of Planning Appeal decisions addressing issues of density/design and affordable housing.

In a later letter the applicants have written to provide further information on the accessibility of the site to the town centre and the density of development in the wider locality across a range of sites in Lillington Road, Binswood Avenue, Waller Street, Wathen Road and Lillington Avenue. The density of the proposed scheme is stated to be 64.8 not 66 as previously stated. Densities on a range of sites nearby is given as varying from 56.8 to 150 dwellings per hectare. In relation to accessibility it is noted that the distance to the site is 0.5 miles from Boots and 0.6 miles to the House of Frazer on Parade (within the cycling and walking distance set out in PPG13). The No. 69 bus stop is very close to the site providing an hourly bus service to the station.

Assessment

It is considered that this application raises the following key issues:-

1. Demolition of existing houses and the residential redevelopment of this site

The demolition of the existing houses is not subject to planning control and it does not require planning permission. The buildings are not of 'listable' status and the proposed extensions to the Leamington Spa Conservation Area do not include this section of Lillington Road. PPG3 Housing states Government is committed to promoting more sustainable patterns of development by concentrating new housing development within urban areas, making more efficient use of land by maximising the re-use of previously developed land; the definition of previously developed land includes land which is, or was, occupied by permanent buildings and their curtilages. Whilst noting the objections raised in principle therefore to the loss of the existing dwellings and the residential redevelopment of the site, I consider such an objection could not be sustained in principle.

2. The Density of the Proposed Development and Its Design

The existing density of the site is some 8 dwellings per hectare; the proposed density is 64.8 dwellings per hectare. PPG3 (Housing) advises, however, that land is a finite resource and urban land can often be underused; it advises in paragraph 58 that local authorities should therefore encourage housing development which makes more efficient use of land, between 30 and 50 dwellings per hectare whilst avoiding development below 30 dwellings per hectare; no upper limit is placed on an acceptable level of density. The question of appropriate site density, however, has to take account of the aims of good design and layout and the advice in PPG that new housing development should not be viewed in isolation but must be informed by the wider context, having regard not just to any immediate neighbouring buildings but the townscape and landscape of the wider locality.

These issues of density and design were explored by an Inspector in a decision letter dated 22nd December 2003 in respect of a flat development at 22, Clarendon Road, Kenilworth, (W20021807) when he concluded:-

- The factory has a basic appearance but is fairly unobtrusive because of its low height and boundary vegetation and walling. To that extent, the development with an equivalent density of about 63 dwellings per hectare, buildings up to 3 storeys and the removal of some vegetation, would introduce considerable change. However, PPG3 advises that new development must make efficient use of land without compromising the quality of the environment. Having respect for the character of an area does not automatically mean replicating existing building densities of dwelling types in the immediate locality.
- I firmly consider that the proposed density would be entirely appropriate for this area having regard to the advice in paragraph 58 of PPG3. The site comprises previously developed land within easy walking distance of the town centre, local facilities and services and Warwick Road, a principal route for local and regional bus services. Moreover, the density would not wholly be out of

character with existing long-established development on Clarendon Road. The short terraces of houses that comprise Nos. 2 to 22 to the west of the appeal site are built at a similar equivalent density to that proposed.

- I accept that the scale and form of the apartment blocks would represent a more dominant built form than is currently found in Clarendon Road and that the buildings would be relatively close to the site boundaries. However, I do not consider that these factors are critical flaws in the context of this site. The apartments would be well set back from Clarendon Road and would not be viewed as part of that street scene even with the black poplar trees removed. To the east and west of the site there is essentially open land comprising the railway line and the builder's yard respectively. The site is physically separated from Clarke's Avenue by a 4m high wall which would be retained. The proposed 2 storey buildings close to this wall would represent a reasonable transition to the lower and less dense development along Clarke's Avenue. The 3 storey buildings which directly face Clarke's Avenue would be about 26m away and would not appear overbearing in this street scene. There is a considerable variety of housing in the locality in terms of age, style and form and no one form of residential development is dominant. The proposed development would add to the variety of built form that already exists. The proposed buildings would be of simple yet pleasing appearance and exhibit elements of attractive architectural detailing and this, added to the variation in heights, wall planes and roof lines and the use of hipped roofs, would help to assist in reducing their overall scale.
- Overall, I consider that the visual changes that the scheme would bring about would not be inappropriate or unacceptable. In my view, the proposal would strike the right balance between making more efficient use of previously developed urban land in an accessible location and protecting the quality of the environment. I conclude on the first main issue that the development would not harm the character and appearance of the area. It would not therefore conflict with the objectives of Local Plan District-Wide Policies ENV3, ENV3A and H5 insofar as they relate to this issue."

In this instance, I am mindful that the character of the wider locality around the site is mixed with the low density modern housing on and immediately adjoining the application site, older housing to a higher density on Wathen Road, substantial villas to the west of Lillington Road with some more recent developments nearby including two storey terraced units with accommodation in a mansard roof to the south of the junction with Lillington Avenue and three storey housing to the north of that junction. Clearly the proposal with its mix of two and three storey development (with accommodation in the roofspace) will change the existing appearance of the site but the proposed development onto Lillington Road does step down to two storey where it will adjoin to neighbouring houses and in my opinion the change brought about by this proposal, as amended, would not equate to harm to the street scene as to warrant the raising of objection. I note the concern expressed regarding "backland" development but I consider that the layout and design of the units to the rear of the frontage development would be such that this would be acceptable.

Similarly, I am aware of objection raised to the loss of the existing landscaped gardens and some trees but I note no objection is raised by the Head of Amenities and I consider that subject to an appropriate landscaping condition this development would not be unacceptable.

I have had regard to the possible effect of this development on the setting of the Conservation Area but I do not consider it would harm its character or appearance.

3. Impact on the Amenity of Neighbours

Clearly a number of local residents have objected to this proposal and are apprehensive about the change which would result from this development. Having regard, however, to the distance which

would separate the scheme from its neighbours, its set back from the street frontage and the details of the design and layout put forward, I do not consider the proposal would cause an unacceptable loss of amenity, including issues such as overshadowing, dominance or loss of privacy.

4. Highway Matters/Car Parking

With regard to the highway issues, I note the Highway Authority has not raised objection and the applicants in their amended plans and later submissions have sought to address the reservations in the Highway Authority's comments. Insofar as car parking is concerned, the scheme provides for 2 spaces for each of the 3 town houses with 31 spaces (including 5 garages) for the remaining 5 houses and 16 flats. I consider this level of provision would be in general accordance with the advice in PPG3 that there should be an average of 1.5 spaces per dwelling and having regard to the location of this site within the town of Leamington Spa that it would not be reasonable to require a higher level of provision. Whilst noting the objections, therefore, to this proposal on grounds of highway safety and congestion, I do not consider objection on these grounds could be sustained.

5. Planning Obligations

The applicant has agreed to meet the requests of the County Council for contributions as set out in the 'Representations' section above. With regard to affordable housing, Policy SC9 in the Warwick District Local Plan (first deposit version) 1996-2011 would seek 40% on this site. The applicant has commented on this matter as follows:-

"As far as affordable housing is concerned, as you know we entered into contract with the vendors long before anyone was aware that a new policy would be imposed. It remains our view that the new policy can be given very little weight at this stage and I would have hoped that Officers had advised the Committee on the weight to be given to policies rather than the other way round. However, we would rather not go down the appeal route if this can at all be avoided. I have been in contact with Peter Newman from the Housing Department. He has indicated the likely requirement to be two bedroom flats and indicated the likely cost should they be discounted open market housing. He has asked me to submit the layouts so that they can be discussed at the next Joint Commissioning Partnership Meeting which sits on the 20th January. I have forwarded the plans to him. We will not be able to confirm the financial impact if we follow the RSL route (which would mean properties for rent - the preferred tenure for P. Newman) until after the Partnership Meeting. Therefore, we have had to make assumptions regarding the financial implications of providing 40% affordable housing. We are currently trying to renegotiate the contract with the vendors in the light of the new policy requirement as set out in your letter. If a new deal can be struck, we will provide the affordable housing. However, I am not able to confirm at this stage whether this will be the case. I will be able to give you a definite view after the Partnership meeting and before the Planning Committee meeting on the 26th January."

Subsequently, the applicant wrote as follows:

"We have now been able to make a very informed estimate of the financial implications of providing affordable housing at 40% on the above development. This will cost just over £773,000. Such a large sum means that the scheme is not viable. It is, therefore, with regret that I write to state that we are not able to provide the affordable housing as required by Peter Newman.

I appreciate that you will now change the recommendation to one of refusal. As I have stated before, it is my view that government advice is clear on this matter - circular 6/98 states that the threshold should only be lowered in towns the size of Leamington through the local plan process. PPG1 is clear that policies within a draft plan to which there have been objections should only be accorded little weight. In my view, the advice to Members at the 9th December 2003 Committee meeting was

fundamentally flawed in the face of planning policy. It was also inconsistent as draft Policy SC9 is not being implemented in its entirety - the policy either has great weight or it does not. It is difficult to appreciate the logic behind the reasoning that dictates that one part of a policy should be given great weight and another part of the same policy given no weight.

As a result I would urge you to advise Members that a refusal based on Policy SC9 of the draft plan is not reasonable, and would fly in the face of planning policy. Should this application be refused we will be forced to appeal and we do not wish to have to debate this issue at Inquiry."

Whilst noting the applicants comments, I am conscious that the Planning Committee at the meeting on 9th December 2003 put a high weight on Policy SC9 to achieve affordable housing on schemes of 15 or more dwellings. In the absence of agreement to provide affordable housing on this site for 24 dwellings, I, therefore, have no alternative but to recommend that this application be refused.

RECOMMENDATION

That planning permission be REFUSED on the grounds that the applicant has not agreed to provide any affordable housing and the application would, therefore, be contrary to the provisions of Policy SC9 of the Warwick District Local Plan 1996-2011.

Planning Committee: 17 February 2004
Application No: W20031800

Principal Item Number: 03

Town/Parish Council: Kenilworth

Registration Date: 19/11/2003

Expiry Date: 14/01/2004

Case Officer: Martin Haslett
01926 456526 planning_west@warwickdc.gov.uk

Land adjacent to 122, Rouncil Lane, Kenilworth, CV8 1FP
Erection of two houses with new access drive.
FOR Mr T. Roberts

This application was deferred at Planning Committee on the 26 January, to enable a site visit to take place on 14 February. The report which follows is that which was presented previously.

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council:

(comments on application as originally submitted with additional dwelling to rear):

"The Committee very strongly recommends refusal on the following grounds:-

1. The visual design and size of the three houses covered by the application is excessive.
2. The application is of disharmonious character to, and detracts from, the natural openness of the area. It is totally inappropriate to a semi-rural location.
3. The proposal is inappropriate backland development in an area whose character and appearance should be preserved in accordance with the Structure and Local Plans.
4. Is unneighbourly to the adjoining property, particularly in Rouncil Lane.
5. The Committee has grave misgivings concerning the intrusion of this development into the Green Belt and fear it would provide a precedent for further encroachment.
6. This Council is concerned at the unauthorized removal of prized ancient hedgerow and considers that it must be fully reinstated in its proper location. A separate communication will follow regarding reinstatement of the hedgerow."

(comments on amended scheme without rear dwelling):

"Members noted and discussed the change in depth but concluded that they continued to very strongly recommend refusal on the following grounds:-

- a. The visual design and size of the two houses covered by the application remains excessive.
- b. The application is of disharmonious character to, and detracts from, the natural openness of the area. It is totally inappropriate to a semi-rural location.
- c. The proposal is indecorous backland development in an area whose character and appearance should be preserved in accordance with the Structure and Local Plans.
- d. Is unneighbourly to the adjoining property, particularly in Rouncil Lane.
- e. The grave misgivings concerning the intrusion of this development into the Green Belt are reiterated, as is the fear that it would provide a precedent for further unacceptable encroachment.
- f. This Council is concerned at the unauthorized removal of prized ancient hedgerow and re-emphasises that it must be fully reinstated in its correct location.
- g. It is noted with concern that the revised drawing still offends in respect of the correct location for the hedgerow noted in sub-paragraph f above."

Neighbours: in connection with the application as originally submitted, including an additional dwelling on land to the rear of the site, adjoining gardens of houses in Rounds Hill, 7 letters of objection were received. These related mainly, but not necessarily entirely to that part of the development now withdrawn. Objectors cited the following reasons for objection:

- impact on countryside and Green Belt land;
- housing adjoining Rouncil Lane would be detrimental to the character of the area and would not fit in with the surroundings in terms of size, design and use, inappropriate backland development;
- proposal would create noise and disturbance to local residents due to additional vehicle movements to and from new houses;
- inadequate access and highway provision, traffic danger, traffic calming would be needed;
- destruction of wildlife habitat;
- concern over surface water drainage;
- not sustainable development.

In connection with the amended application, without the rear dwelling, 2 letters of objection have been received, citing the following reasons:

- plots too close to the Green Belt boundary;
- visual impact;
- previous permission far more satisfactory;
- traffic danger;
- out of character with the area, large houses, small back gardens;
- enlarged driveway would be visually detrimental.

Kenilworth Society: (comments on amended application): object on grounds of:

- undesirable backland development on borders of Green Belt;
- application should be rejected as previous ones were;
- hedge should be reinstated.

CPRE: (comments on original application): site partly in the Green Belt, development visually harmful to the rural landscape on approach to Kenilworth.

WCC (Highways): no objection, but recommend that driveway as far as plot 2 is widened to 5m to enable vehicles to pass, a refuse collection point would be required within 25m of Rouncil Lane. Highway construction notes.

EHO: no objection.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

(DW) H5 - Infilling within the Towns (Warwick District Local Plan 1995)

Distance Separation (Supplementary Planning Guidance)

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

DP5 - Density (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011 First Deposit Version)

PLANNING HISTORY

Planning permission for a new dwelling on the Rouncil Lane frontage was first granted in 1985 and has been renewed at various dates since, most recently in 2001. In December 2002 an application was made showing 2 dwellings to the rear of 122 Rouncil Lane (although not in the same configuration

as presently proposed), plus one dwelling to the far rear of the site (although not of the same design as the application originally made under the current number). This application was withdrawn.

KEY ISSUES

The Site and its Location

No 122 Rouncil Lane has a large plot of land as its garden, with an additional parcel of land to the side. This additional land leads to the rear in the form of a wide grassed track, which at its furthest point is over 200m from Rouncil Lane. The furthest part of this land formed the site for the third house, now withdrawn. The two remaining houses would be built on land adjoining the existing house, partly included in a redundant tennis court, which is partially screened by existing landscaping.

Details of the Development

The current application has two houses adjoining 122 Rouncil Lane, to the side and rear of the existing house. These houses would be of two different types, one 4- and one 5-bedroomed.

The front house of the two would occupy approximately the same siting as that previously approved, although it would be smaller and would have a detached garage. The garden length of this house would be 11m and screening to the retained driveway to the side would be provided.

The rear house would be the larger of the two and would front the private driveway, so that it would be side-on to the existing house. This dwelling would have an attached garage and a garden length of nearly 30m. Both houses would be of traditional design and construction with facing bricks and clay tile roofs.

This is the full extent of the application as amended and as currently to be considered. As originally submitted, the application included an additional third dwelling to the rear of the site at the furthest point from Rouncil Lane, adjoining the rear of the gardens in Rounds Hill. This dwelling was to have been of a different design, in the form of a 'converted barn', served by a long driveway from Rouncil Lane. This part of the application has now been withdrawn.

Assessment

The issues to be considered are whether the principle of development of the site is acceptable and whether the details of the scheme are acceptable.

The site lies within the built-up area of Kenilworth, adjoining, but outside the Green Belt. Both the current and the emerging local plans direct new residential development to the towns of the district and the scheme is therefore in accordance with these broad policies.

Rouncil Lane at this point consists of large dwellings, of varied designs, situated in large plots of land. Although smaller than number 122 Rouncil Lane, the proposed houses would still be large and no smaller than some other houses in the vicinity. As a matter of principle it could not therefore be said that houses of this type are out of character with the area.

There is, however, no other development to the rear of existing plots and this form of layout would be different from the existing. Nevertheless, current planning policies encourage the most efficient use of urban land and the form of layout is therefore not unreasonable, in my opinion. Although smaller than adjoining gardens, the plots for these houses would still be large by modern standards and there are no issues of distance separation or layout which would lead to loss of privacy or overlooking.

The Highway Authority have asked for the driveway to serve the new dwellings to be increased to 5m width. This request was made in the context of the third dwelling to the rear and will not now be necessary to serve two houses. The only section which is not shown as 5m wide serves just one of the houses. Any permission would need to include a condition on landscaping which, when carried out on the boundaries of the site would help to screen the new development .

RECOMMENDATION

That permission be GRANTED, as amended, subject to conditions on materials, landscaping, refuse bin provision, removal of PD rights fronting the private driveway, highway construction note.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the following policies:

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

(DW) H5 - Infilling within the Towns (Warwick District Local Plan 1995)

Distance Separation (Supplementary Planning Guidance)

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

DP5 - Density (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011 First Deposit Version)

Planning Committee: 17 February 2004
Application No: W20031974

Principal Item Number: 04

Town/Parish Council: Wasperton

Registration Date: 24/12/2003

Expiry Date: 18/02/2004

Case Officer: Steven Wallsgrove
01926 456527 planning_west@warwickdc.gov.uk

Land adjacent River Avon, Wasperton Road, Wasperton, Warwick, CV358EB
Excavation to form pools in flood channel.
FOR The Birmingham Anglers Ass.

SUMMARY OF REPRESENTATIONS

Barford, Sherbourne and Wasperton Parish Council - Object on the following grounds:-

- “(a) the environmental impact and damage, including the prospect of increased flooding of areas higher up the river;
- (b) vehicles travelling to the site will have to do so through the whole village to reach the parking area. Wasperton is a cul-de-sac village with a very narrow road and this will result in a significant and unacceptable increase in vehicle movements and noise throughout the village;
- (c) it is understood that there is no 'close season' on fishing from pools and night fishing. There is, therefore, the prospect that disturbance will be caused to residents throughout the year;
- (d) details were too imprecise for a proposal that will have a significant effect on the local environment;
- (e) concern had been expressed at the annual Parish Meeting in April of that year at the detrimental impact the proposal would have on the village if allowed;
- (f) properties in the vicinity of the proposed access, where the proposal would have had a detrimental effect had not been formally notified of the application;
- (g) loss of use of agricultural land.

The application resulted in appeal to the Secretary of State, which was rejected on the grounds of artificial intrusion into the landscape and environment.

This Council objects to this present application on all the above grounds. Once more the plans are wholly inadequate, giving no clear dimensions for the pools. There is no indication of what the pools will be stocked with and, if of different species to those in the river, how their loss in the regular flooding of this area is to be prevented. Neither is there any information concerning disposal of the excavated material, or of the number of 'pegs' to be provided in the development.

Development on this flood plain appears to be quite contrary to the Council's policy for such sites. The Association owns the fishing rights to the river itself and there seems no good reason to develop the site in this way. The tenacity with which the Association is pursuing this matter despite a similar scheme having already been refused by the Secretary of State suggests to many in the area that a commercial development may be planned in the longer term."

County Museum (Archaeology) - Have no objection.

County Museum (Ecology) - Have some ecological concerns especially since no ecological details have been provided. They consider the development should only be allowed if further details and a long term ecological management plan for the pools has been approved before works commence.

Neighbours - A total of 16 letters of objection have been received, and a 71 signature petition. The petition heading quotes the appeal decision and asks for the present proposal to be rejected. Many of the letters also refer to the appeal decision and object on the grounds that nothing has changed, increased traffic, affect on archaeology, affect on natural landscape, increased flooding, contrary to Structure Plan, Local Plan and Warwickshire Landscape Guidelines, and being a commercial development which would need buildings and would result in noise, pollution and light.

James Plaskitt MP - has written to record his support for local residents objection to this application and notes that the application still seeks to create an artificial landscape in a sensitive area.

RELEVANT POLICIES

(DW) C1 - Conservation of the Landscape (Warwick District Local Plan 1995)

(DW) ENV27 - Ecological Development (Warwick District Local Plan 1995)

(DW) ENV22 - Evaluation of the Archaeological Effects of Development Proposals (Warwick District Local Plan 1995)

(DW) ENV29 - Protection of SSSI's and Local Nature Reserves (Warwick District Local Plan 1995)

DP10 - Flooding (Warwick District Local Plan 1996 - 2011 First Deposit Version)

(DW) RL12 - Recreation Development within the Countryside (Warwick District Local Plan 1995)

DP3 - Natural Environment (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP4 - Archaeology (Warwick District Local Plan 1996 - 2011 First Deposit Version)

RAP13 - Directing New Outdoor Leisure and Recreation Development (Warwick District 1996 - 2011 First Deposit Version)

Planning Policy Guidance Note - 13 (Transport)

Planning Policy Guidance Note - 7 (The Countryside)

Planning Policy Guidance Note - 9 (Nature Conservation)

PLANNING HISTORY

The only previous application on the site (other than a withdrawn one) was for an alternative, more complex, design of fishing pools which were refused in December 1972, on grounds of increased traffic, conflict with Policy (DW) C1 of the Local Plan, and archaeology.

The decision was taken to appeal when the Inspector identified the main issues as:-

- The effect of the proposal on the character and appearance of the countryside.
- Whether the proposal would preserve or enhance the character or appearance of the Wasperton Conservation Area, and
- The effect of the proposal on the residential amenities of the occupiers of dwellings in the village of Wasperton by reason of increased traffic movements.

In relation to the impact of the lakes on the character and appearance of the countryside, paragraph 9 of the decision letter states:-

"The appellant has suggested that the proposed fishing lake would appear as a natural ox-bow lake alongside the river. I do not agree with this view. In my opinion, the layout of the lake would be too convoluted to appear to be part of river of this scale. I consider that it would appear as an obviously man-made feature. In my opinion, this would be harmful to the unspoilt traditional character of the river meadowlands. Isolated trees and small groups of trees are a feature of the surrounding meadowland. Screen planting could be employed to disguise the outlines of the proposal but, in order for this to be wholly successful, it would need to be particularly dense and extensive. However, I consider that this would, in itself, obscure the traditional features of the river meadow landscape.

He concluded that:-

"the proposal would not harm the character or appearance of the Conservation Area and that it would not be harmful to the residential amenities of the occupiers of dwellings in the village. However, I have also concluded that it would be harmful to the traditional character and appearance of the riverside meadows. For this reason and having regard to all other matters raised, I conclude that the appeal should be dismissed."

KEY ISSUES

The Site and its Location

The land owned by the Anglers Association consists of three riverside meadows to the west of the village and has two points of vehicle access, the principal one being along a track by the Manor House Farm complex. There is an existing car park at this point.

Details of the Development

The proposal is to construct three narrow, linear, ponds along the line of an existing drainage channel in the southern, largest, field. Each pond would be some 20m wide and some 65-85m long and would provide some 35 fishing pegs. The applicant has stated that these pegs are an alternative to the existing river bank fishing and are for the applicants members.

The excavated material would be spread thinly over the adjoining land owned by the applicant, to a depth of up to 50mm, and the depth of the pools is stated as to be about 2.0m -2.5m. The applicants have also stated that the existing grassland management would be maintained and the biodiversity enhanced by providing a variety of marsh plants along the banks, as found along the river bank, as well as retaining existing trees and hedges.

Fish species and stocking is controlled by the Environment Agency under the Salmon and Freshwater Fisheries Act 1975.

Assessment

The principal issues raised are those identified by the Inspector on the previous application, namely the affect of the proposal on residential amenities due to traffic, the affect of the proposal on the Conservation Area (and its setting), and the affect of the proposal on the character and appearance of the countryside.

Since the only change to the previous application is the design and location of the fishing ponds, the applicant stating that all other aspects are unchanged, I consider that the first two issues need to be given no further consideration as, if there is any increased traffic, it will be minimal, and the siting of the ponds will not affect the setting of the Conservation Area due to their distance from it. This leaves the third issue, the affect on the character and appearance of the countryside itself.

The principal policy in this case is (DW) RL12 which states, in part:-

"Use of the countryside for outdoor sport and recreation will be encouraged providing that activities are compatible with and sensitive to the rural environment." (The remaining part of the policy refers to noisy activities).

The nearest equivalent policy in the deposit draft of the new Local Plan is RAP13, but this can only be given little weight since it is different and the consultation period has only just finished.

A detailed analysis of the character of the countryside in the county, with guidance about its protection (the Warwickshire Landscape Guidelines), was published in 1993, as a pilot project, jointly by the County Council and the then Countryside Commission. The appeal inspector noted the existence of these guidelines in reaching his decision on the previous application. This identified the site as part of the 'River meadowlands' where continuity of the river corridor is formed by permanent pasture along the floodplain. The guidance elements suggest that these floodplain meadows and grasslands should be retained and opportunities taken to enhance the landscape character and improve biodiversity.

The basic character of these floodplains is of a wide, open, area of permanent grassland with drainage channels and only limited tree cover or dividing field boundaries. The proposal will retain this openness, and the line of small trees adjoining the existing channel, and will also enable a greater degree of biodiversity to be created by specialist, water edge, planting which will reflect the natural, riverbank, vegetation.

RECOMMENDATION

That planning permission be GRANTED subject to the fishing pegs being alternatives, not additional, to the existing pegs, to the spoil to be spread on the site and not removed from it, and to planting, pond construction and management details .

REASON FOR RECOMMENDATION

The proposal is considered to comply with the following policies:

(DW) C1 - Conservation of the Landscape (Warwick District Local Plan 1995)

(DW) ENV27 - Ecological Development (Warwick District Local Plan 1995)

(DW) ENV22 - Evaluation of the Archaeological Effects of Development Proposals (Warwick District Local Plan 1995)

(DW) ENV29 - Protection of SSSI's and Local Nature Reserves (Warwick District Local Plan 1995)

DP10 - Flooding (Warwick District Local Plan 1996 - 2011 First Deposit Version)

(DW) RL12 - Recreation Development within the Countryside (Warwick District Local Plan 1995)

DP3 - Natural Environment (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP4 - Archaeology (Warwick District Local Plan 1996 - 2011 First Deposit Version)

RAP13 - Directing New Outdoor Leisure and Recreation Development (Warwick District 1996 - 2011 First Deposit Version)

Planning Policy Guidance Note - 13 (Transport)

Planning Policy Guidance Note - 7 (The Countryside)

Planning Policy Guidance Note - 9 (Nature Conservation)

Planning Committee: 17 February 2004
Application No: W20031937

Principal Item Number: 05

Town/Parish Council: Leek Wootton

Registration Date: 19/12/2003

Expiry Date: 13/02/2004

Case Officer: Martin Haslett
01926 456526 planning_west@warwickdc.gov.uk

White Gables, Hill Wootton Road, Leek Wootton, CV357QL

Erection of a single storey extension to front of house and garage in front garden.
FOR Mr & Mrs Sandford

SUMMARY OF REPRESENTATIONS

Parish Council:

"It appears the drawing for the garage is square, again drawings are not to scale. The proposed flat roof on tower could eventually be extended upwards! or used as a patio, would propose the Planning Committee state exactly what is to be allowed, and this be minuted for future reference.

Assurances needed that the proposals will not involve the neighbours being overlooked (reference Inspector's dismissal of appeal on unneighbourliness)."

Subsequently the following additional comments have been received:

"It is felt that this is overdevelopment of the site. A Certificate of Lawfulness W20030558 was obtained for a large building in the rear garden, 15.5 m x 4.6 m. This was originally a bungalow, and is turning into a massive development totally out of proportion to the original.

This is not a single garage, the plan says it is 6 m x 4.7 m, but if you scale off the drawing it is 6 m x 5.2 m. There is also concern about damage to the cedar tree roots. It is felt that the single storey extension could be turned into a seating area overlooking Firlea."

Neighbours

6 letters have been received raising issues concerning:

- the scale and accuracy of the submitted plans;
- the impact of the garage on the adjoining tree;
- the potential for the addition of windows into the extension;
- concern that the front extension is only built to the approved height;
- concern over the materials for the link corridor.

One of these neighbours has written again to say that they now wish to formally object to the application on the grounds of the above expressed concerns.

Several residents request that if permission is granted, the development should be monitored to ensure compliance with the terms of the permission.

The adjoining neighbours have written again to confirm that they object to the proposal on grounds of:

- concern over possible additional future windows;
- concern that plans may not be adhered to;
- concern that a terrace or balcony may be formed over the front extension;
- garage is stated to be single, when it is large enough to be double;
- proposal is overdevelopment and unneighbourly.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
(DW) H14 - Extensions to Dwellings in the Rural Area (Warwick District Local Plan 1995)
(DW) H8 - Limited Infill Villages (Warwick District Local Plan 1995)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)
RAP3 - Extensions to Dwellings (Warwick District 1996 - 2011 First Deposit Version)

PLANNING HISTORY

Recent planning history of this site commenced in 2002 with the grant of permission (W20020146) for an extension consisting of ground and first floor extension to the side of the property. Application W20020685 proposed the construction of a 3 storey circular tower on the front of the dwelling, with a link into the existing dwelling. Planning permission for this was refused on 2 August 2002, as the proposal was considered to be unneighbourly in view of the height of the extension and its proximity to the boundary.

A modified scheme for a front extension was proposed under reference W20021809, with the height of the extension reduced to 2 storeys, but this was refused on 18 February 2003, for similar reasons. This application was the subject of an appeal, but this was dismissed by the inspector on 31 October 2003. That appeal decision is very relevant to the current decision and is therefore appended to this report.

On a separate, but related matter, the applicant applied (W20020800) to insert 3 windows to the first floor landing as an amendment to permission W20020146 (where these rights were removed by condition) and permission was granted on 1 August 2002.

KEY ISSUES

The Site and its Location

The detached house is located on the north side of the road about half way between Warwick Road and The Hamlet, in an area of varied house styles. The site of the house is a little above that of the road and the neighbouring property at *The Lodge* (to the west) is on higher land again. On the other hand, the application site is higher than its other neighbour at *Firlea*. The application site and its neighbours are well-screened by trees, such that *White Gables*, which is set back within the site, is barely visible from the road.

Details of the Development

The proposal has been further amended to show a single storey, flat roofed circular extension to the front of the house 3.3m high, in the same position as those previously refused. This would be used as a lounge and would have a radius of 3.7m, with windows looking down the garden. It would be rendered to match the existing house, with a stone base and wooden cladding above the windows. It

would be linked to the house by a 2.2m corridor, which would have a window in its west elevation and would be a little higher than the main part of the extension.

The second part of the application is for the construction of a garage immediately adjoining the extension, which would measure 6m by 4.7m. Due to the lie of the land, this structure would be built into the ground at the rear but those parts of it which are above the ground would be finished in reclaimed local stone and there would be a gravel roof to match the adjoining garden. There would be a planting box on the front part of the roof of the garage.

Assessment

The Inspector's decision on the appeal for the larger extension is helpful in considering the current proposal, particularly paragraph 9 of his decision letter. He did not consider that the larger proposal would lead to substantial loss of daylight or sunlight, but he did consider that the proposal would cause a sense of enclosure to the occupiers of *Firlea* and would be overbearing, as it would have formed a continuous line of development close to the boundary.

The current proposal, at 3.3m is considerably lower than the previous scheme which was 7.0m high. The impact of the proposal on the adjoining residents of *Firlea* would therefore be considerably reduced. Indeed, the applicant has submitted a sectional elevation which shows the line of sight of a person standing in the rear garden of *Firlea* to pass over the proposed extension. Whilst it may be possible to see the extension from some vantage points, the impact is minimised by the reduction in size.

The works to create the proposed garage have already been substantially carried out and the additional work of providing it with a roof and doors would have minimal impact.

Residents are concerned about possible enforcement issues when the building is constructed and whether any additional windows might be added. Although not all parts of the drawings are dimensioned (as is usual) they are drawn to scale and the dimensions of any part of them can be ascertained. Any material departure from these drawings would be a matter for consideration under enforcement procedures. In view of the location of the building, I would however, suggest that permitted development rights to make changes to the extension after completion should be removed. This would include the right to install additional windows.

RECOMMENDATION

That planning permission be GRANTED, subject to a condition to remove permitted development rights.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the following policies:

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

(DW) H14 - Extensions to Dwellings in the Rural Area (Warwick District Local Plan 1995)

(DW) H8 - Limited Infill Villages (Warwick District Local Plan 1995)

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

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

RAP3 - Extensions to Dwellings (Warwick District 1996 - 2011 First Deposit Version)

Planning Committee: 17 February 2004
Application No: W20031942

Principal Item Number: 06

Town/Parish Council: Leek Wootton

Registration Date: 19/12/2003

Expiry Date: 13/02/2004

Case Officer: Martin Haslett
01926 456526 planning_west@warwickdc.gov.uk

White Gables, Hill Wootton Road, Leek Wootton, CV357QL

Reduction in size of side extension previously approved under planning permission W20020146.
FOR Mr Mrs Sandford

SUMMARY OF REPRESENTATIONS

Parish Council: "Whilst appreciating that this application was previously approved, the Parish Council raise the following concerns, for consideration by the Planning Committee:-

Drawings are not accurate or to scale.
It is hoped that overlooking windows will not be allowed at a later date.
There could be possible damage to boundary wall.
Assurances needed that the plan will be followed."

Additionally further comments have been subsequently received:

"There could be danger to the boundary wall.
Clearer dimensions between extension and boundary wall are required.
Concern that windows could be overlooking Firlea.
Concern that if plan is passed that they will not be followed as was the case on the dormer on the other side.
South elevation does not show the extension correctly, it comes out a further 2m (see north elevation)."

Neighbours: 5 letters commenting and raising concerns:

- there should be no windows now or in the future in the side extension;
- concern over the design and appearance of the proposals;
- drawings incomplete, unclear, not dimensioned;
- site should be monitored by Planning Department after decision;
- concern over dry-stone retaining wall in garden of Firlea, which could be affected by building work.

Two local residents has written to object on grounds of :

- inaccurate plans;
- previous extension not completed and and eyesore;
- present proposal unneighbourly as it extends further towards *Firlea* and would increase enclosure;
- overdevelopment,
- inpact on dry-stone retaining wall.

The adjoining neighbours have written again to confirm that they object to the proposal on grounds of:

- concern over possible additional future windows;
- concern that plans may not be adhered to;
- proposal is overdevelopment and unneighbourly.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
(DW) H14 - Extensions to Dwellings in the Rural Area (Warwick District Local Plan 1995)
(DW) H8 - Limited Infill Villages (Warwick District Local Plan 1995)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)
RAP3 - Extensions to Dwellings (Warwick District 1996 - 2011 First Deposit Version)

PLANNING HISTORY

Recent planning history of this site commenced in 2002 with the grant of permission (W20020146) for an extension consisting of ground and first floor extension to the side of the property. This work was commenced but has not been completed. Application W20020685 proposed the construction of a 3 storey circular tower on the front of the dwelling, with a link into the existing dwelling. Planning permission for this was refused on 2 August 2002, as the proposal was considered to be unneighbourly in view of the height of the extension and its proximity to the boundary.

A modified scheme for a front extension was proposed under reference W20021809, with the height of the extension reduced to 2 storeys, but this was refused on 18 February 2003, for similar reasons. This application was the subject of an appeal, but this was dismissed by the inspector on 31 October 2003.

On a separate, but related matter, the applicant applied (W20020800) to insert 3 windows to the first floor landing as an amendment to permission W20020146 (where these rights were removed by condition) and permission was granted on 1 August 2002. A certificate of Lawfulness was given for the erection of a garage/garden building in the rear garden, adjoining the other boundary to the house, away from the current proposal.

KEY ISSUES

The Site and its Location

The detached house is located on the north side of the road about half way between Warwick Road and The Hamlet, in an area of varied house styles. The site of the house is a little above that of the road and the neighbouring property at *The Lodge* (to the west) is on higher land again. On the other hand, the site of the proposed alteration to the extension is on higher land than the neighbour at *Firlea*. A series of dry-stone retaining walls form terraces within the garden of *Firlea* and although there are some shrubs adjoining the boundary of the two properties, there are no trees to form screening.

Details of the Development

The planning permission granted under W20020146 was commenced and in many respects completed, but the side elevation, onto *Firlea*, remains unfinished. The applicant would be entitled to finish the work in the manner originally approved but now proposes to modify the plans and elevations so as to reduce the size of the extension.

At ground floor, the study and playroom would be reduced in size compared to the original approved plans, with a stepped wall running approximately parallel to the boundary with *Firlea* and at a minimum of over 1m from that boundary. Similarly, the first floor would be reduced and would be in the form of a flat-roofed element within the main roof, set in from the ground floor. This would be finished in wood and the walls would be rendered to match the rest of the house. No side windows are proposed.

Some landscaping, in the form of trees, is proposed between the extension and the boundary.

Assessment

The development as now proposed is smaller than that originally approved and in this respect would be an improvement for the neighbours. Additionally, the design is now broken down into individual elements which helps to reduce the bulk of the proposal. The use of wooden finish and render would also help to improve the appearance from the neighbour's viewpoint as opposed to the unfinished building blocks presently visible.

The proposed landscaping would help to soften the view of the extension from *Firlea*, although the trees might need to be planted in tubs, to protect the dry-stone retaining wall.

Residents have expressed concern about the impact of building works on the dry-stone retaining wall, but this is not a planning issue. Building Control are aware of this issue and it would also be covered by the Party Wall Act. Concern has also been expressed about the lack of dimensions on the plans and elevations. There is no requirement for all aspects of proposals to be dimensioned but these can be scaled from the plan.

RECOMMENDATION

That permission be GRANTED, subject to conditions on landscaping details (including planting method) and the removal of permitted development rights for the installation of windows in the extension.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the following policies:

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

(DW) H14 - Extensions to Dwellings in the Rural Area (Warwick District Local Plan 1995)

(DW) H8 - Limited Infill Villages (Warwick District Local Plan 1995)

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

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

RAP3 - Extensions to Dwellings (Warwick District 1996 - 2011 First Deposit Version)

Planning Committee: 17 February 2004
Application No: W20040011

Principal Item Number: 07

Town/Parish Council: Kenilworth

Registration Date: 06/01/2004

Expiry Date: 02/03/2004

Case Officer: Steven Wallsgrove
01926 456527 planning_west@warwickdc.gov.uk

57 Fishponds Road, Kenilworth, CV8 1EY
Change of use to day nursery, operating weekdays only.
FOR D Carter

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council

No objection.

County Council (Highways)

"The limited parking facilities within the curtilage of the site is likely to result in a demand for 'on street' parking by both staff and parents travelling by car to bring or collect children. However, there are no parking restrictions on Fishponds Road and parents are able to park on the side road leading to the recreational centre. In addition there are no records of accidents resulting in personal injury within the vicinity of the site. In the circumstances, I do not consider there to be sufficient grounds on which to raise highway objections."

Environmental Health

Have no objection subject to an hours of use condition for use of the garden for children's play (10.00 a.m. to 4.00 p.m. Monday to Friday) and a restriction on number of children using garden (6 at any one time).

Neighbours

Letters of objection have been received from 10 residents on grounds of being in a quiet residential area, traffic problems due to parking, noise disturbance, danger due to stream and traffic, lack of need, busy road with buses and traffic avoiding town centre.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

SC7 - Supporting Community Facilities (Warwick District Local Plan 1996 - 2011 First Deposit Version)

(DW) H13 - Loss of Existing Residential Accommodation and Development within Existing Residential Areas (Warwick District Local Plan 1995)

PLANNING HISTORY

There is no relevant planning history.

KEY ISSUES

The Site and its Location

The property consists of a detached house on the corner of Fishponds Road and the road to the Castle Farm Sports Centre. It has a fairly large garden extending to the Finham Brook and has only one, immediately adjoining, neighbour.

Details of the Development

The proposal is to use the whole of the house for the day nursery, which would be for un to 28 children and would be open from 8.00 a.m. to 6.00 p.m. Monday to Friday. Four cars can be parked on site, utilising the driveway to the property.

Assessment

The principal issues in this case are the affects of the proposal on traffic and on residential amenities.

In terms of traffic, any impact will generally be limited to a relatively short period in the morning and evening when parents drop off /collect their children before going to/after work. In addition, the location of the premises in a residential area should help to minimise traffic generation since some parents should be able to walk their children to the nursery instead of being forced to go by car. In this context, the Highway Authority have raised no objection and there is also the car park at the Sports Centre very close to the site.

The use of the premises as a day nursery will result in more noise being generated but this can be minimised by limiting the number of children using the garden at any one time. This type of condition has been used in the past, and the applicants existing nursery at 182 Clinton Lane, Kenilworth (which serves up to 26 children) has produced no complaints to the Environmental Health Dept.

I am of the opinion, therefore, that this use should not result in an unacceptable impact on residential amenities, although it does result in the loss of a dwelling.

RECOMMENDATION

GRANT, subject to no more than 28 children, hours of operation, and use of garden conditions.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the following policies:

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

SC7 - Supporting Community Facilities (Warwick District Local Plan 1996 - 2011 First Deposit Version)

(DW) H13 - Loss of Existing Residential Accommodation and Development within Existing Residential Areas (Warwick District Local Plan 1995)

Planning Committee: 17 February 2004
Application No: W20031892

Principal Item Number: 08

Town/Parish Council: Leamington Spa

Registration Date: 10/12/2003

Expiry Date: 04/02/2004

Case Officer: Alan Coleman
01926 456535 planning_east@warwickdc.gov.uk

54-56 Warwick New Road, Leamington Spa, CV326AA

Provision of 4 No. 2 bedroom duplex apartments in lieu of 2 No. town houses
(amendment to W 20021891)
FOR Mr R Dupille

SUMMARY OF REPRESENTATIONS

Town Council: "*The application is considered to represent over intensive development, resulting in the creation of dwellings that will be poorly related to their surroundings.*"

CAAF: No comments.

Highway Authority: No objection.

Environment Agency: No comments.

WDC(Environmental Health): No comments.

WDC (Leisure & Amenities): No comments.

Neighbours: The residents of 58 Warwick New Road object on the grounds that inadequate provision for further car parking has been made to serve the proposed additional flats, noise and disturbance caused by the increased volume of traffic generated by the previously approved scheme would be further exacerbated and over-intensive density of development.

NB. Comments have also been made that the development undertaken to date does not comply with the terms or conditions of the planning permission being implemented. These matters are currently the subject of a separate enforcement investigation.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

(DW) ENV8 - New Development within Conservation Areas (Warwick District Local Plan 1995)

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

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP5 - Density (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP8 - Parking (Warwick District Local Plan 1996 - 2011 First Deposit Version)

SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011 First Deposit Version)

UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)

Policies GD3, GD5 and H3 of the Warwickshire Structure Plan 1996 - 2011 encourage housing development within built up areas of the towns of the District.

Pertinent advice regarding development within Conservation Areas is also contained within PPG15 "Planning and the Historic Environment".

PLANNING HISTORY

The planning history of the site dates back to 1946 and comprises a total of 11 applications in respect of 54 Warwick New Road and 4 applications in respect of 56 Warwick New Road.

Planning permission for the conversion of 54 Warwick New Road to 2 flats was granted in 1946 (WDC Ref. 2298) and to 4 flats in 1951 (WDC Ref. 3782). Permission for a detached block of 8 flats was refused in April 1961 (WDC Ref. 8218) and was granted for the 4 existing flats at 289-295 Rugby Road in July 1961 under application 8452. A proposal for 14 dwellings on this part of the site was refused in 1968 and dismissed at appeal (WDC Ref. 12786).

A joint proposal for the conversion and extension of both properties to form an hotel was granted in 1989 (WDC Ref. W891576/77CA), which was superseded by a proposal to extend and convert them to 23 no. self-contained flats in May 1991 under application W910174/175CA. However, a revised scheme for 25 no. flats was refused in October 1991 (WDC Ref. W910986).

The rear wing extension to No. 54 referred to above that incorporates 2 self-contained flats was granted planning permission in June 1998 and currently remains extant. Since then, planning permission for the conversion of the premises to 4 self-contained flats, an increase in the height of the roof ridge and erection of dormer windows was refused in June 2000. A subsequent appeal was dismissed in December 2000. In reaching his decision the Inspector concluded:-

In April 2003 this 'Committee granted planning permission for the conversion of 54 and 56 Warwick New Road to a total of 11no. self-contained flats, together with the erection of a terrace of 3no. town houses at the rear and the creation of new vehicular access onto Warwick New Road (WDC Ref: W20021891). This scheme is currently under construction.

More recently, planning application W20031659 for the erection of an additional terraced house was refused under delegated powers in December 2003 for the following reasons:

1. Policies (DW)ENV3 of the Warwick District Local Plan 1995 and DP1 of the emerging Warwick District Local Plan 1996-2011 require development proposals to, amongst other matters, achieve a high standard of design and layout and to harmonise with their surroundings in terms of design and land use. Policy DP2 of the emerging Warwick District Local Plan 1996-2011 also states that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents and/or does not provide acceptable standards of amenity for future users/occupiers of the development.

The proposed dwelling would stand attached to a terrace of three dwellings that are proposed as part of a development granted planning permission under application W20021891. The proposed dwelling would be similar in height, size, design and appearance to the approved terrace of dwellings, which would stand adjacent to the western boundary of the site with 58 Warwick New Road at a distance of approximately 4.8 metres away at the closest point with the boundary wall in an elevated position approximately 3 metres above the adjoining garden. The proposed dwelling would stand closer to this boundary at a distance of approximately 1.5 metres.

In the opinion of the District Planning Authority, the proposed dwelling would, by reason of its height, size, scale, mass, elevated position and proximity to this boundary, have an unacceptably overdominant and overbearing impact on the amenities of the neighbouring residents of 58 Warwick New Road and would unacceptably detract from the privacy of the rear garden through overlooking from upper floor habitable room windows.

The proposed, if granted, would therefore significantly prejudice the objectives underpinning the aforementioned policies.

2. Policies (DW)ENV3 of the Warwick District Local Plan 1995 and DP1 of the emerging Warwick District Local Plan 1996-2011 require development proposals to, amongst other matters, achieve a high standard of design and layout and to harmonise with their surroundings in terms of design and land use. Policy DP2 of the emerging Warwick District Local Plan 1996-2011 also states that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents and/or does not provide acceptable standards of amenity for future users/occupiers of the development. This is of particular importance in Conservation Areas where policies ENV6 and ENV8 of the Warwick District Local Plan emphasise the need to achieve a high quality of design to preserve or enhance their character or appearance. The objectives of these policies are also reflected in Policy DAP10 of the emerging Warwick District Local Plan 1996-2011.

In the opinion of the District Planning Authority, the proposed addition of a dwelling to the approved terrace would result in a significant reduction in the area of private amenity space available to the dwelling on the western end of the approved terrace, which would be left with a limited rear garden area wholly dominated by existing mature trees that are to be retained in order to protect the character and appearance of the Conservation Area. In the opinion of the District Planning Authority this reduced garden area would result in an unacceptable level of amenity for future occupiers of this dwelling and would be likely to result in pressure for these trees to be felled to the detriment of the character and appearance of the Conservation Area. The proposal would thereby seriously prejudice the objectives of these aforementioned policies.

KEY ISSUES

The Site and its Location

The site consists of 2 no. detached unlisted Victorian properties that are located on the northern side of Warwick New Road within a predominantly residential part of the Conservation Area. The properties are currently being converted to self-contained apartments in accordance with the planning permission W20021891, which is detailed above. As part of this scheme a terrace of 3 no. 2 storey dwellings (with basement accommodation) is also proposed to be erected in the rear garden area of No. 56. The terrace would broadly align with the front and rear elevation of the adjacent block of flats at 289-295 Rugby Road, where they would project approximately 1m beyond each elevation respectively. The terrace would stand 5.3m away from the eastern boundary with 289-295 Rugby Road, between 4.8m – 5.4m away from the western boundary wall and would be set 9-14m back from the northern boundary with the A445 Rugby Road. The proposed terrace would front onto the parking forecourt area at the rear of No. 56). In this position the terrace would stand in excess of 24m away from the rear elevation of No. 56 and would stand approximately 5.7m tall at eaves height and 9m at ridge height when measured from the ground level of the raised garden area.

Details of the Development

The proposals relate to the adaptation of two of the three approved (unbuilt) terraced town houses to provide 4no. 2-bed. duplex apartments. In order to accommodate these apartments the roof space would be utilised. In comparison with the approved scheme the only external alteration would be the installation of 6 rooflights in each of the front and rear roof slopes. In all other respects the development would remain identical to the approved terrace. No provision for additional on-site parking is proposed.

Assessment

I consider the main issue is whether the additional 2 dwellings proposed would constitute unacceptable over-development of the site in terms of car parking, traffic generation and noise/disturbance.

Under the terms of planning application W20021891 provision is made for 21 parking spaces to serve a total of 16 dwellings. The proposal would result in an increase in the total number of dwellings by 2 to 18 with no additional parking. I appreciate the concerns of the neighbouring residents on this matter. Although the site lies outside the Town Centre of Leamington Spa, nevertheless it is located on two major roads between Leamington Spa and Warwick. Rugby Road to the north and Warwick New Road to the south are both well served by public transport that provides links to employment, shops and other services and facilities in both towns. In these circumstances, I consider the level of parking that would be available to serve the development would be in general accordance with the advice in Planning Policy Guidance *Transport (PPG13)* and, as such, would not be unreasonable or unacceptable. I also note that the Highway Authority has not raised an objection to the proposals on this or any other grounds.

In my opinion, the site has adequate capacity to accommodate the proposed increase in the total number of dwellings in an acceptable manner without causing harm to highway safety interests or neighbouring residents amenities in terms of exacerbated levels of noise and disturbance generated by increased traffic movements. I am also satisfied that the relative increase in the density of development on the site would be acceptable too having regard to the advice in PPG3 (Housing) which, amongst other matters, encourages housing development that makes more efficient use of land without compromising the character and quality of the surrounding environment. In this respect, the proposals would, with the exception of rooflights, remain identical in comparison with the approved scheme in terms of the siting, design and appearance of the terrace. For these reasons, I consider the application is acceptable.

RECOMMENDATION

GRANT, subject to large-scale rooflight details.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the following policies:

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

(DW) ENV8 - New Development within Conservation Areas (Warwick District Local Plan 1995)

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

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP5 - Density (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP8 - Parking (Warwick District Local Plan 1996 - 2011 First Deposit Version)

SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011 First Deposit Version)

UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)

Policies GD3, GD5 and H3 of the Warwickshire Structure Plan 1996 - 2011 encourage housing development within built up areas of the towns of the District.

Pertinent advice regarding development within Conservation Areas is also contained within PPG15 "Planning and the Historic Environment".

Planning Committee: 17 February 2004
Investigation No: ACT354/36/03

Principal Item Number: 09

Town/Parish Council: Budbrooke

Case Officer: Mike Duffett
01926 456520 planning_appeals@warwickdc.gov.uk

Shop Units 1 & 2 Slade Hill, Hampton Magna, Budbrooke

Variation to approved plans – Erection of first floor extension to form 3 apartments and alterations to existing retail units FOR Mr Singh Sanhara

BACKGROUND INFORMATION

Originally all the single storey shop units at Slade Hill had an extensive pitched roof area with a common ridge line. In December 2002 planning permission was granted for a first floor area to be added above units 1 and 2 which included the provision of a number of first floor windows on the front and side elevations and a new pitched roof with a higher ridge line (Application W20021570). The increase in the ridge height approved, as measured by the boundary of the adjacent unit 3 was 1.5 metres.

During 2003 work on the implementation of the planning permission was carried out and concern was expressed with regard to the ridge height. Enquiries were made and in October 2003 an amended plan was received showing the 'as built' scheme. Consultations were carried out and Budbrooke Parish Council made the following comment:

"..The Council strongly object on grounds that the amended plans are totally out of character with the street scene. The amended plans are overbearing and un-neighbourly for people living opposite and behind the property. The Council approved the initial plans because the proposed height of the shop units was the same height as the adjoining properties – these plans are not and would not have been approved by the Council."

Members considered a report on the variation at their meeting on 9 December 2003. (Part 2 Item Number 2) Reference was correctly made to the increase in the ridge height between the 'as built' scheme and the approved plans as being 0.4 metres. In addition it was quoted that the 'as built' scheme had a ridge height of 8.0 metres. The decision of Members was to refuse the amendment because the deviation was considered excessive and enforcement action was authorised to achieve full compliance with the approved plans.

THE KEY ISSUE

The developer has since the outcome of the December 2003 meeting appointed surveyors to accurately measure the roof heights of the extension and has confirmed that there has been a 0.4 metre increase in the ridge height of the main element and rear wings.

With regard to the actual change of ridge heights (as measured by the side boundary by shop unit 3) the correct information is as follows:

- Original ridge height of shop units 1/2/3 = 7.8 metres
- Approved ridge height of extension units 1/2 = 9.3 metres
- Approved difference in ridge height between units 1/2 and unit 3 = 1.5 metres
- 'As built' ridge height of extension units 1/2 = 9.7 metres
- Difference in ridge height between unit 3 and of adjacent Slade Hill properties = 0.8 m

In view of the previous decision made by Members it is important to ensure that any enforcement action is undertaken on the basis of the correct, accurate information. The above figures indicate that to require the roof of the development to be revised to accord with the original approved plans would still result in a ridge height of 9.3 metres.

The Parish Council may consider that the ridge height of the main extension approved would match the ridge height of the residential properties adjacent to the shops but even assuming that the 'as built' roof was lowered to its approved height, this objective would still not be achieved.

The approved drawings for these properties (W960707) indicate that the ridge height of the end dwelling by the ridge of unit 3 was to be approx 0.8 metres higher. The ridge height of the approved development affecting units 1 & 2 is 1.5 metres higher than the ridge of unit 3, and therefore 0.7 metres higher than the adjacent residential properties.

The current situation is that a draft enforcement notice has been prepared, and that the requirement of the forthcoming notice will be to ensure that the scheme is revised to accord with the approved plans the subject of application W20021570. This would require the ridge height of the main roof to be reduced to 9.3 metres, still 1.5 metres above the ridge height of shop unit 3 and still approx 0.7 metres higher than the ridge height of the adjacent terraced properties.

In view of the 'as built' scheme being recently completed it is anticipated that an appeal against the enforcement notice will be made. There is no dispute that there is a variation between the approved plans and the 'as built' situation, but the issue for the Planning Inspectorate to consider will be whether the difference in height of 0.4 metres (9.7m rather than 9.3m) is so significant to make the development "out of character", "overbearing", or "un-neighbourly" as claimed by the Parish Council. The approved scheme W20021870 was to be approx 0.7 metres higher than the ridge height of the adjacent properties and therefore even assuming that the enforcement action is successful a significant difference in ridge heights between the two developments will remain.

RECOMMENDATION

That Members take into account the correct factual information about the relative heights of the former, approved and neighbouring development and re-consider whether the concerns raised by the Parish Council can be resolved by taking enforcement action against the increase in ridge height of 0.4 metres.

Planning Committee: 17 February 2004
Application No: TPO 259

Principal Item Number: 10

Town/Parish Council Kenilworth

Case Officer Mike Duffett
01926 456520 planning_appeals@warwickdc.gov.uk

Land at 24 Clarendon Road, Kenilworth
Provisional Tree Preservation Order: 1 Ash tree (TPO259).

SUMMARY OF REPRESENTATIONS

The Tree Preservation Order took effect, on a provisional basis, on 23 December 2003 and continues in force on this basis for a further six months or until the Order is confirmed by the Council whichever first occurs. Before the Council can decide whether the Order should be confirmed, the people living in the vicinity of the Order have a right to make representations.

Owner of 24,26,28 Clarendon Road – OBJECT because it has caused structural damage to no.24 and no.26 in the past, and that the tree requires regular lopping because of damage to telephone lines that pass under the canopy.

Prospective owner of 24/26/28 Clarendon Road and the adjacent industrial premises – OBJECT because no consideration has been given to the terms of the planning permission (W20021807) allowed on appeal by the Planning Inspectorate on 22 December 2003. The timing of the TPO following the appeal decision is highly questionable. The Inspector noted that the tree had some amenity value but could be replaced. The removal of the tree is vital on highway safety grounds to ensure adequate visibility splays for the access into the new residential development. The tree has been poorly pollarded in the past and would require intensive works to the crown for its continued maintenance.

RELEVANT HISTORY

In July 2003 planning permission was refused for the erection of 24 dwelling units with associated car parking and landscaping including the demolition of Nos 24 and 26 Clarendon Road to create a new access. (W20021807) An appeal against this decision was made to the Planning Inspectorate and in association with the preparation of the Council's appeal statement the Arboricultural Officer was contacted to obtain his views on the merits of the ash tree on the Clarendon Road street frontage. His conclusion of October 2003 was that the tree did have some amenity value and that it was worthy of being considered for TPO protection. Unfortunately due to staff shortages work on the preparation of the TPO did not take place until mid December 2003.

On 22 December 2003 the Planning Inspectorate allowed the appeal, subject to a number of conditions, and in the decision letter took into account the presence of the ash tree.

KEY ISSUES

The tree is of significant height and has quite a well balanced canopy. It is within the modest front garden of no.24 Clarendon Road and by reason of its forward position a major part of the tree overhangs the footway and main carriageway of Clarendon Road. The Arboricultural Officer has inspected the tree and has been described the ash tree as being mature and in "fair" condition.

The Inspector when dealing with the appeal was fully aware of the amenity contribution of the ash tree now the subject of the provisional TPO. When evaluating the likely impact of the residential scheme upon the character and appearance of the area, he commented:

“..I accept that the ash tree on the frontage has some amenity value and that its removal, together with the positioning of the new frontage house between 2 access roads, would bring about a less enclosed appearance to the street scene. However, I do not consider this change in the street scene to be such a decisive flaw as to warrant refusal of permission. The ash tree could be replaced by an appropriate species...”

The above quote shows that the presence of the ash tree was a material consideration in the determination of the appeal, but that in the context of all the relevant factors the Planning Inspectorate considered that there was sufficient merit in the grant of the permission subject to conditions (including a landscaping condition) rather than the retention of the ash tree and the refusal of the development.

The issue raised in one of the objections that the retention of the tree would obstruct the visibility splay required in association with the new access is valid, although the Inspector appeared in his comments to be encouraging the provision of a suitable tree to replace the ash tree as part of the site landscaping scheme, rather than the total loss of a tree without any replanting.

It is understood that in view of the outcome of the appeal, progress on the implementation of the permission is imminent.

Taking into account that there is now a valid planning permission for residential development and that the provision of satisfactory visibility splays in association with the new vehicular access is required by a condition of the approval it is not considered in this instance appropriate to confirm the TPO. However, a suitable replacement species (heavy standard size) should be planted as part of the landscaping scheme yet to be submitted and approved as part of the planning permission W20021807.

RECOMMENDATION

That TPO259 **not** be confirmed, but that in the interest of the amenity of the area that the site developer be requested to include a suitable replacement tree as part of the landscaping scheme for the proposed residential development recently granted on appeal.
