

A meeting of the above Committee will be held in the Town Hall, Royal Leamington Spa, on Tuesday 3 March 2020 at 6.00pm.

Councillor Boad (Chairman)

Councillor Morris (Vice Chairman)

Councillor M Ashford

Councillor N Murphy

Councillor R Dickson

Councillor W Roberts

Councillor T Heath

Councillor J Weber

Councillor J Kennedy

Vacancy - Conservative

Councillor V Leigh-Hunt

Emergency Procedure

At the commencement of the meeting, the emergency procedure for the Town Hall will be announced.

Agenda

Part A – General

1. Apologies & Substitutes

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

2. Declarations of Interest

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

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

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

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

3. Site Visits

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

4. **Minutes**

To confirm the minutes of the meeting held on 4 February 2020.

(Pages 1 to 10)

Part B – Planning Applications

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

5. **W/19/0827 – Homebase Ltd, 46-48 Emscote Road, Warwick** **(Pages 1 to 14)**

****Major Application****

6. **W/19/0860 – 6 Phillippes Road, Woodloes Park, Warwick** **(Pages 1 to 8)**

7. **W/19/1858 – Former Tamlea Building, Nelson Lane, Warwick** **(Pages 1 to 18)**

**** Major Application****

8. **W/19/1985 – 44-46 Queen Street, Cubbington** **(Pages 1 to 4)**

9. **W/19/1987 – The Pheasantry, Grovehurst Park, Stoneleigh** **(Pages 1 to 6)**

10. **W/19/1988/LB – The Pheasantry, Grovehurst Park, Stoneleigh** **(Pages 1 to 4)**

11. **W/19/2128 – Intwood, Leamington Road, Bubbenhall** **(Pages 1 to 7)**

Part C – Other matters

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

Please note:

- (a) the background papers relating to reports on planning applications are open to public inspection under Section 100D of the Local Government Act 1972 and consist of all written responses to consultations made by the Local Planning Authority in connection with the planning applications referred to in the reports, the County Structure Plan Local Plans and Warwick District Council approved policy documents.
- (b) all items have a designated Case Officer and any queries concerning those items should be directed to that Officer.
- (c) in accordance with Council's Public Speaking Procedure, members of the public can address the Planning Committee on any of the planning applications or Tree Preservation Order reports being put before the Committee. If you wish to do so, please call 01926 456114 (Monday to Thursday 8.45am to 5.15pm and Friday 8.45am to 4.45pm) or email committee@warwickdc.gov.uk any time after the publication of this agenda, but before 12 noon on the working day before the day of the meeting and you will be advised of the procedure.

- (d) please note that the running order for the meeting may be different to that published above, in order to accommodate items where members of the public have registered to address the Committee.
- (e) occasionally, items are withdrawn from the agenda after it has been published. In this instance, it is not always possible to notify all parties interested in the application. However, if this does occur, a note will be placed on the agenda via the Council's website, and where possible, the applicant and all registered speakers (where applicable) will be notified.

Published Monday 24 February 2020

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

Telephone: 01926 456114
E-Mail: committee@warwickdc.gov.uk

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

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

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

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

Planning Committee

Minutes of the meeting held on Tuesday 4 February 2020 in the Town Hall, Royal Leamington Spa at 6.00 pm.

Present: Councillor Boad (Chairman); Councillors Ashford, R. Dickson, Heath, Kennedy, Leigh-Hunt, Morris, Murphy, Roberts and Weber.

Also Present: Principal Committee Services Officer – Mrs Dury; Committee Services Officer – Mr Edwards (observing); Legal Advisor – Mr Howarth; Manager - Development Services – Mr Fisher; Principal Planning Officer – Ms Obremski; and Planning Officer – Mr Tew (observing).

127. **Apologies and Substitutes**

- (a) there were no apologies made; and
- (b) there were no substitutions.

128. **Declarations of Interest**

Minute Number 134 – W/19/1360 – 25 Shakespeare Avenue, Warwick

Councillor Ashford declared an interest whilst this application was being considered because the application site was in his Ward.

Minute Number 135 – W/19/1559 – Victoria Lodge, Park Drive, Royal Leamington Spa

All Councillors declared an interest at the start of consideration of this application because the applicant was Warwick District Council.

129. **Site Visits**

There were no site visits made.

130. **Minutes**

The minutes of the meeting held on 8 January 2020 were taken as read and signed by the Chairman as a correct record.

131. **W/19/1379 – 32 Russell Terrace, Royal Leamington Spa**

The Committee considered an application from Dr Davies for the erection of two no. dwellings.

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

The officer was of the opinion that the development was located within the urban area of Royal Leamington Spa where housing was considered acceptable in principle.

PLANNING COMMITTEE MINUTES (Continued)

The proposal had been assessed and was considered acceptable having regard to the impact on the character and amenity of the local area and Royal Leamington Spa Conservation Area, the impact on the amenity of neighbours and future occupiers, highway safety and ecological matters.

Site specific matters could be adequately controlled by condition. For the above reasons, officers recommended that the application should be granted, subject to conditions.

An addendum circulated at the meeting advised that three additional letters of objection had been received.

The addendum also contained a statement from the applicant, in relation to parking. The applicant stated that in addition to their proposal, they intended to utilise the space occupied by the garage which fronted Plymouth Place, as a replacement for parking lost on Russell Terrace. This garage would be extended back in order to accommodate a car with open parking, which would provide two off street parking spaces for the house. This proposal would require minor structural alterations and having been received by Highways, had received no objections.

The following people addressed the Committee:

- Mr Kenyon, who objected to the application; and
- Mr Pugh, speaking on behalf of the applicant.

In response to questions from Members of the Committee, officers explained that:

- The Highways Authority had looked “holistically” at the parking in relation to the permissions already granted and so it was their expectation that this had been taken into account. A parking survey had been undertaken over two consecutive evenings within a 200 metre radius of the application site, at times when heavy parking was expected. On the first night, there had been three available parking spaces, and on the second night, 14.
- The Highways Authority would consider the application against the plans submitted; it was not known if they had conducted a site visit, but they would do what was necessary to make their judgement. (Councillor Morris had raised a concern that the aerial photographs shown in the presentation with regards to parking arrangements in Russell Terrace were outdated; a search he had made on Google showed that the parking was marked out by chevrons. He also felt that the 3D visualisation was wrong and questioned whether one of the parking spots would in fact block the drive to a house on the street.)

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Morris and seconded by Councillor Ashford that the application should be deferred to get a further report from Warwickshire County Council Highways on whether the proposed arrangements for

PLANNING COMMITTEE MINUTES (Continued)

parking were feasible. Officers would liaise with the applicant to confirm the two additional parking spaces.

The Committee therefore

Resolved that W/19/1379 be **deferred** pending a full report from WCC Highways on whether the parking proposed is feasible. The applicant will be asked to confirm that two parking spaces will be available to both properties.

132. W/19/1427 – 27 Jury Street, Warwick

The Committee considered an application from Mr Chapman for the removal of a section of wall, installation of electric gates and EV chargers to provide additional parking space.

The application was presented to Committee because Warwick Town Council supported the recommendation but it was recommended that the application should be refused.

The officer was of the opinion that the proposed development would cause unacceptable harm to the character and appearance of the listed building and the conservation area. The proposal should therefore be refused.

Mr Chapman, the applicant, addressed the Committee.

Officers informed Members that the fact a vehicle would be taken off the road by the provision on an additional parking space was a material consideration, but the legislation referred to public benefits rather than private benefits. On balance, it was their considered opinion that the harm would outweigh the benefits.

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

The Committee therefore

Resolved that W/19/1427 be **refused** because Policy HE1 of the Warwick District Local Plan 2011-2029 states that consent will not be granted to alter or extend a listed building where those works will adversely affect its special character or historic interest, integrity or setting. Furthermore, Policy HE2 of the Warwick District Local Plan 2011-2029 requires that development preserves or enhances the special architectural and historic interest and appearance of the District's Conservation Areas.

The proposal relates to a Listed Building within a Conservation Area and it is considered that the proposed works would be seriously detrimental to the character and appearance of both the building itself

PLANNING COMMITTEE MINUTES (Continued)

and the Conservation Area as a whole, by reason of the loss of a significant part of a historic boundary wall and its replacement by a boundary treatment that is not in keeping with the character of the rear of these listed properties. There are no public benefits to outweigh this harm.

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

133. W/19/1428 LB – 27 Jury Street, Warwick

The Committee considered an application from Mr Chapman for the removal of a section of wall, installation of electric gates and EV chargers to provide additional parking space.

The application was presented to Committee because Warwick Town Council supported the recommendation but it was recommended that the application should be refused.

The officer was of the opinion that the proposed development would cause unacceptable harm to the character and appearance of the listed building and the conservation area. The proposal should therefore be refused.

Mr Chapman, the applicant, addressed the Committee.

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

The Committee therefore

Resolved that W/19/1428 LB be **refused** because Policy HE1 of the Warwick District Local Plan 2011-2029 states that consent will not be granted to alter or extend a listed building where those works will adversely affect its special character or historic interest, integrity or setting. Furthermore, Policy HE2 of the Warwick District Local Plan 2011-2029 requires that development preserves or enhances the special architectural and historic interest and appearance of the District's Conservation Areas.

The proposal relates to a Listed Building within a Conservation Area and it is considered that the proposed works would be seriously detrimental to the character and appearance of both the building itself and the Conservation Area as a whole, by reason of the loss of a significant part of a historic boundary wall and its replacement by a boundary treatment that is not in keeping with the character of the rear of these listed properties. There are no public benefits to outweigh this harm.

PLANNING COMMITTEE MINUTES (Continued)

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

134. W/19/1360 – 25 Shakespeare Avenue, Warwick

The Committee considered an application from Mr Dhesi for erection of a two-bedroom dwelling.

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

The officer was of the opinion that the development respected surrounding buildings in terms of scale, height, form and massing and did not adversely affect the amenity of nearby residents or highway safety. The proposal was also considered to be acceptable in terms of ecological impact and flood risk. The proposal was considered to comply with the policies listed and therefore the application should be granted.

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

The Committee therefore

Resolved that W/19/1360 be **granted** subject to the following conditions and subject to the receipt of a flood risk assessment. Delegated authority is given to officers in consultation with the Chair of Planning Committee to issue the decision.

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
 - (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 3859-01F and 3859-02F, and specification contained therein, submitted on 03/01/2020. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;
 - (3) the development hereby approved shall not commence unless and until the applicant has undertaken a percolation test for the proposed disposal of surface water from the site, details of which shall be submitted to and approved in writing by the local planning authority. This should include calculations and a report along
- Item 4 / Page 5

PLANNING COMMITTEE MINUTES (Continued)

with photos of the tests being carried out. Should the percolation test provide insufficient, then a new drainage strategy for the site is to be submitted. All details shall be carried out as approved. **Reason:** To secure a satisfactory form of development and sufficient means of disposal of surface water in accordance with the Environment Agency's Standing Advice;

- (4) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building at 25 Shakespeare Avenue. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029;
- (5) the development shall not be occupied until the existing vehicular access to the site is widened in accordance with drawing 3859-02D. **Reason:** To ensure that the proposed development has a satisfactory access and parking in accordance with Policies TR1 and TR3 of the Warwick District Local Plan 2011-2029;
- (6) the finished floor level of the development hereby permitted shall be no lower than the existing floor level of the existing property No.25 Shakespeare Avenue. **Reason:** To secure a satisfactory form of development in accordance with the Environment Agency's Standing Advice and to reduce the risk of flooding to the proposed development and safeguard the amenities of future occupiers in accordance with Policy FW1 of the Warwick District Local Plan 2011-2029; and
- (7) the dwelling hereby permitted shall not be occupied unless and until the car parking provision for that dwelling and the existing dwelling at No. 25 Shakespeare Avenue has been constructed or laid out, and made available for use by the occupants and / or visitors to those dwellings and thereafter those spaces shall be retained for parking purposes at all times. **Reason:** To ensure the satisfactory provision of off-street vehicle parking facilities in accordance with the local planning authority's standards and in the interests of highway safety and the satisfactory development of the site in accordance with Policies BE1 and TR3 of the Warwick District Local Plan 2011-2029.

PLANNING COMMITTEE MINUTES (Continued)

135. W/19/1559 – Victoria Lodge, Park Drive, Royal Leamington Spa

The Committee considered an application from Rickett Architects Limited for the refurbishment, change of use and extension of an existing C3 dwelling house to a B1 office space with associated car parking.

The application was presented to Committee because the applicant was Warwick District Council.

The officer was of the opinion that the specific circumstances associated with the nature of this application meant that the change of use from residential to office accommodation in this location was acceptable in principle. Furthermore, as amended the proposed extensions would have an acceptable impact on the setting of the Conservation Area, Registered Park and Garden and the street scene. The development would not have a harmful impact on ecological species and the development provided adequate parking arrangements. It was therefore recommended that the proposed development should be approved.

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

The Committee therefore

Resolved that W/19/1559 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** to comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings BE 3064 PA 003 B and BE 3064 PA 004 C, and specification contained therein, submitted on 8th January 2020 and 15th January 2020 respectively. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;
- (3) no works to commence on site, including site clearance, until a combined ecological and landscaping scheme has been submitted and agreed between the applicant and the local planning authority (with advice from WCC Ecological Services). The scheme must include all aspects landscaping including details of proposed mixed native species planting and

PLANNING COMMITTEE MINUTES (Continued)

habitat creation including the locations and proposed types of any bat and bird boxes on mature trees and proposed ponds or refuges for amphibians and reptiles and hedgehog highways/homes. The agreed scheme will be fully implemented before/during development of the site as appropriate. **Reason:** To ensure no net loss to biodiversity in accordance with the NPPF and Policy NE2 of the Warwick District Local Plan 2011 – 2029;

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

PLANNING COMMITTEE MINUTES (Continued)

- (6) no development shall be carried out above slab level unless and until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in strict accordance with such approved details. **Reason:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy HE2 of the Warwick District Local Plan 2011-2029;
- (7) the development hereby permitted shall be timetabled and carried out to wholly accord with the detailed mitigation measures for the safeguarding of bats within the site as set out in the document 'Roost Characterisation survey report V1A dated 8th January 2020' prepared by Wharton, received by the District Planning Authority on 8th January 2020. **Reason:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029;
- (8) the development hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times, to ensure that a satisfactory provision of off-street car parking and turning facilities are maintained at all times in the interests of the free flow of traffic and highway safety in accordance with Policies TR1 and TR3 of the Warwick District Local Plan 2011-2029; and
- (9) the finished ground floor level of the approved extension shall be no lower than the finished floor level of the existing property. **Reason:** To ensure that future occupants are protected in the event of flooding in accordance with Policy FW1 of the Warwick District Local Plan 2011 - 2029.

PLANNING COMMITTEE MINUTES (Continued)

136. Planning Appeals Report

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

Resolved that the report be noted.

(The meeting ended at 7.29pm)

CHAIRMAN
3 March 2020

Application No: [W 19 / 0827](#)

Town/Parish Council: Warwick

Case Officer: Helena Obremski

01926 456531 Helena.Obremski@warwickdc.gov.uk

Registration Date: 20/05/19

Expiry Date: 19/08/19

Homebase Ltd, 46-48 Emscote Road, Warwick, CV34 4QP

Detailed planning application for demolition of existing building and erection of a Class A1 retail foodstore with associated car parking, access, landscaping, substation and engineering works. FOR Lidl Great Britain Ltd

This application is being presented to Committee due to the number of letters of support which have been received.

RECOMMENDATION

Planning Committee are recommended to REFUSE planning permission for the reason set out in the report.

DETAILS OF THE DEVELOPMENT

The application seeks planning permission for the demolition of the existing building and erection of an A1 retail foodstore, with associated car parking, access, landscaping, substation and engineering works. The proposed foodstore is to be occupied by Lidl, a discount food retailer.

The proposed building would have a smaller footprint than the existing building and be far smaller in terms of overall scale and mass. The building would be single storey, with a monopitch roof design, with a large glazed frontage facing Emscote Road. The remaining elevations would benefit from a mix of silver and white aluminium cladding. Access to the site remains the same as the existing and 97 parking spaces are proposed, with 2 spaces for electric vehicles (with charge points), 7 disabled spaces and 8 parent and child spaces.

The landscape plan has been amended to accommodate requests made by WCC Landscape. There is proposed soft landscaping to the front of the site adjacent to Emscote Road, and a small amount to the rear. Existing trees to the centre of the site would not be retained.

THE SITE AND ITS LOCATION

The application relates to an existing retail unit (Homebase), positioned to the south of Emscote Road and is accessed from Pickard Way. Residential properties surround the site to the east, south and west, with a vehicle service and repair shop positioned on the opposite side of Emscote Road.

The site is located outside of the town centre and is in Flood Zone 1.

PLANNING HISTORY

W/18/0170 - application withdrawn for variation of Condition 1 of planning permission W/98/1450 to allow for the sale of food and drink, toiletries, toys and games and non-fashion clothing and footwear (limited only to: underwear and nightwear; slippers, baby clothing, school wear; and seasonal or safety items: boots, sandals, hats, gloves, scarves, partywear/costumes) across 780sqm of the floorspace of the building.

W/98/1450 - application granted for variation of Condition 4 (Use Class) of W/84/0187 to allow the sale of pets, pet food and other pet related products.

W/97/1253 - application granted for variation of Condition 4 of W/84/0187 (restriction on goods to be sold).

W/95/1343 - application granted for alterations to elevations; construction of an entrance ramp; alterations to car parking layout and alteration to refuse area and amend condition 4 of pp. W/84/0187 (sales restricted to DIY goods, etc.) for sublet area.

W/88/1641 - application granted for alterations to elevation to provide new entrance.

W/84/0187 - application granted for alterations and extensions to form retail store and garden store. erect 3 storey block of 30 flats for the elderly and new link road.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- BE1 - Layout and Design
- BE3 - Amenity
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR2 - Traffic generation (Warwick Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- NE5 - Protection of Natural Resources
- TCP1 - Protecting and Enhancing the Town Centres
- TC2 - Directing Retail Development
- FW2 - Sustainable Urban Drainage
- FW3 - Water Conservation
- CC2 - Planning for Renewable Energy and Low Carbon Generation
- CC3 - Buildings Standards Requirements

Guidance Documents

- Parking Standards (Supplementary Planning Document)
- Distance Separation (Supplementary Planning Guidance)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Air Quality & Planning Supplementary Planning Document (January 2019)

SUMMARY OF REPRESENTATIONS

Warwick Town Council: Objection, increase in traffic in an area which is already severely congested and impact on area of flooding.

WCC Ecology: No objection, recommends a condition to secure biodiversity enhancements.

WCC Local Lead Flood Authority (LLFA): No objection, subject to condition.

WCC Highways: Objection, the proposal would result in the generation of significant traffic movements, which would lead to significant delays and further congestion along a route which already experiences a high level of congestion. Inadequate parking provision made.

WCC Landscape: Recommends retention of existing trees.

Environmental Health: No objection, subject to either provision of damage costs of £39,609.34, or suitable mitigation scheme relating to air quality and conditions.

Public Responses: 28 Objections:

- traffic congestion and highway safety concerns;
- impact on nearby residents parking;
- noise nuisance from the construction works, HGV deliveries and refrigeration / plant equipment, increased vehicular movements in the parking area, loss of buffer strip;
- increased littering;
- increased pollution from additional traffic and building works;
- there is economic disadvantage for the remaining local CTN shops as the area is already served by Tesco and Sainsburys and the proposal is not needed;
- loss of trees - loss of amenity for neighbouring residents and climate change;
- loss of a home store;
- concern regarding access for emergency vehicles;
- preference for alternative retailer such as B&M;
- loss of a DIY store not compensated for;
- Homebase currently allows parents to park in the car park when dropping off children to Coten End School and employees of nearby business, which would be dispersed into the highway.

Emscote Gardens Residents Association: Objection:

- detrimental impact on existing parking stress in surrounding residential streets;
- detrimental impact on highway and pedestrian safety;

- impact on neighbouring residential amenity - noise disturbance from additional traffic, HGV movements and extended opening hours;
- increased levels of pollution in areas which already suffer from high levels;
- detrimental economic impact on existing retail units;
- increased risk of flooding;
- archaeological impact not fully addressed;
- the aims of the Travel Plan are rarely achieved.

12 Support:

- it will increase choice for shoppers and much needed local facilities;
- it will allow those who cannot travel far to access more services;
- in a convenient place for many people to access;
- the plans indicate sensitivity to the environment;
- the proposals are likely to ease traffic congestion;
- there will be an improvement in comparison to the existing site.

3 Neutral:

- existing trees should be retained;
 - query whether improved boundary treatments be installed;
 - query whether parking spaces for elderly residents of Lakeland House be provided;
 - preference for B&M;
 - the proposal will be of benefit to those who do not drive;
- larger car park required for safety (parking for nearby schools etc).

ASSESSMENT

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

- Principle of the Development
- Design
- Impact on Neighbouring Residential Amenity
- Parking, Highway Safety and Traffic Generation
- Ecological Impact
- Air Quality
- Other Matters

Principle of the Development

Local Plan policy TC2 states that within the town centres, new retail development should be located as a first preference in the retail areas defined on the Policies Map. Where suitable sites are not available in the retail areas, sites on the edge of the retail areas will be considered and, if no suitable sites are available in any of the preferred locations, out-of-centre sites will be considered.

The site is 'out of centre' and therefore in order to comply with the requirements of Local Plan Policy TC2 (Directing Retail Development) has to be accompanied by a satisfactory Sequential Assessment and a Retail Impact Assessment. These are necessary in order to satisfy the Council that the proposal has assessed / appropriately discounted any sequentially preferential alternatives and that the

proposal will not have any significant adverse impact on planned investment / town and local centre vitality and viability.

Having reviewed the applicant's submission, Officers are satisfied that the applicant has satisfactorily conducted a sequential analysis. To summarise, the absence of suitable and available sequentially preferential sites will have not changed since the relatively recent appeal decision at The Leamington Retail Park (M and S).

The Council commissioned a Retail Study in 2018 (Warwick District Council Retail and Leisure Study 2018, Carter Jonas) which identifies limited retail (convenience capacity) in the short to medium term. It could be considered that the proposal would make a qualitative as well as a quantitative addition to convenience food offer in the District.

The application has to demonstrate that it will not have a significant detrimental impact on the vitality and viability of nearby town centres, and Local Centres or be an impediment to planned town centre investment opportunities.

The retail model for Lidl is that of a 'deep discounter'- they sell a more modest range of convenience goods products / lines than the typical larger supermarkets. Notably they do not sell tobacco, newspapers, or individual confectionary items and stocks limited pre-packed fish and meat and individual fruit and vegetable products. This places Lidl in a different market from most independent retailers. The same issues, coupled with the lack of a post office, pharmacy, delicatessen, financial products or other in house facilities mean that the overlap with conventional supermarkets is limited.

It is noted that Lidl stores offer a limited range of non-food items, however these items tend to be 'one-off' specials and the range of goods on offer changes frequently.

Lidl's primary trade is in bulk, not top – up shopping. As a consequence of this, and by virtue of its restricted product range it does not directly compete with town / local centre convenience stores or independent / multiple butchers, bakers and greengrocers. Therefore, Officers are satisfied with the retail impact assessment that has been submitted with the application. It sets out the Lidl retail model and its outputs focus on trade diversion being predominantly focussed on other supermarket concerns (most of which are out of centre) and that none of these impacts would cause businesses to close.

If the application were being recommended for approval, owing to the specific nature of the proposed development, Officers consider it necessary that a condition which reads "the building hereby approved shall be occupied by and trade as a "deep discounter" retailer and for no other purpose, including any other use falling within Class A1 of the Use Classes Order" to ensure that another retailer would not have unrestricted use which may draw trade away from the nearby town and local centres.

Design

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

The existing building serving the site is an incongruous, imposing feature within the street scene, being a substantial structure with little design merit, or relationship with its surroundings. The area around the site has a mixture of much smaller scale development, consisting of two storey terrace dwellings of brick and render, with tiled roofs. Opposite to the site is a vehicle repair centre, which is single storey and also of little architectural quality. However, the repair centre is of an appropriate design for its purpose and being single storey, does not have a significant impact on the street scene.

The design of the proposed building appears as a modern single storey structure, with a mono-pitched roof, large glazed elements and metal cladding, which is similar to the design of other existing Lidl's. Whilst the design would not necessarily directly relate to other development within the street scene, the existing building is already a stark contrast to the established character of the area, which is also relatively varied along Emscote Road and behind to Pickard Street. The modern, simple design would sit comfortably within the mixed street scene and would not appear out of keeping. The design style which Lidl adopts is recognisable and appropriate for its purpose. Although taller than a traditional single storey structure, owing to the angled design, it would sit more comfortably opposite the single storey vehicle repair shop facing to the site.

The proposed development will also move the building on the site slightly further back than the current structure and will provide a modern replacement which is of a substantially smaller scale than the existing development. The footprint and overall height of the building would be far smaller than the existing building, thus reducing the impression of the built form within the street scene. By setting the proposed building further back and also introducing more soft landscaping at the front of the site, this softens the existing harsh solid frontage and provides an improvement to the street scene.

There has been concern raised regarding the loss of four trees which currently occupy the central portion of the car parking area. It must be highlighted that these are not protected by a TPO or within a Conservation Area so could be removed at any time lawfully by the applicant. WCC Landscape has requested that these be retained. However, the agent informed Officers that there is a gas

easement across the car park and this is why there is no planting proposed in the centre of the site. Lidl have taken legal advice in respect of this matter and have been advised that it will be inappropriate to reintroduce trees here as they will likely have to be removed again in the near future. The applicant has however proposed replacement tree planting at the side and rear of the site and increased soft landscaping across the site as mentioned above, accommodating all other requests from WCC Landscape. Whilst the loss of the trees in the centre of the site is regrettable, owing to the constraints across the site and pressure this is likely to have on their removal regardless of the outcome of this application, the fact that the trees have no statutory protection and could be removed at any time, and overall improvements that the proposal would bring to the site in visual terms, the loss of the trees is considered to be adequately mitigated by the redevelopment of the site as a whole.

Therefore, it is considered that the proposed development would represent an enhancement to the street scene, which harmonises well with the character of the area. The development is therefore considered to be in accordance with Local Plan policy BE1.

Impact on Neighbouring Residential Amenity

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

Members of the public raise concerns regarding noise nuisances from the construction works, HGV deliveries and refrigeration / plant equipment, and increased vehicular movements in the parking area.

As detailed above, the proposed building would be significantly smaller than the existing property and therefore visually, the development is likely to improve outlook and light to neighbouring properties. There are no proposed windows within the building which would lead to a loss of privacy to neighbouring properties.

Environmental Protection were consulted and have requested that a condition is added to ensure that noise emanating from plant equipment at the site does not detrimentally impact on neighbouring residential amenity, and a condition for a construction management plan to ensure that construction and demolition works did not detrimentally impact on neighbours. They also request a condition limiting the hours of deliveries and a condition for a detailed lighting scheme in order to protect neighbouring amenity.

If the application were being approved, these conditions are considered to be reasonable and necessary to ensure that neighbouring residential amenity is protected.

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

Highway Safety and Traffic Generation

Local Plan policy TR2 states that all large-scale developments that result in the generation of significant traffic movements should be supported by a Transport Assessment, and where necessary a Travel Plan, to demonstrate the practical and effective measures to be taken to avoid the adverse impacts of traffic.

Members of the public have raised concerns regarding traffic congestion and highway safety. Members of the public also express concern regarding the access for emergency vehicles, and that there would be a detrimental impact on highway and pedestrian safety. However, supporters of the proposal state that the development is likely to ease traffic congestion.

The access to the site would be slightly amended at the entrance, to accommodate parking spaces. WCC Highways have raised no concerns regarding the proposed access arrangements, or in respect to highway or pedestrian safety.

WCC Highways have objected to the proposed development. In their initial comments, WCC Highways noted that the applicants Transport Assessment and Travel Plan highlighted that the proposal would result in excess of 100 extra trips in comparison to the existing use at peak times. WCC Highways confirmed that the highway network in this location (Emscote Road / Pickard Street junction) suffers from severe congestion at peak times and they determined that insufficient consideration had been given to the surrounding highway network. WCC Highways therefore advised that, as the proposal may have an adverse impact on the highway network, paramics modelling was required. The paramics modelling details were agreed by the applicant and WCC Highways, and then undertaken.

The applicant's assessment of the impacts identifies that there would be a relatively minor highway impact. However, the information submitted by the applicant has been assessed by WCC Highways who disagree with this assessment and consider that upon detailed assessment of the data, there would be *severe* levels of delay resulting from additional trips to the site, which would significantly increase journey times.

This analysis is strongly contested by the applicant. The applicants have raised concern regarding the agreed paramics modelling and increase in trip rates, which highlight the impact on the highway network. The applicant believes that standard TRICS data should be used for the paramics modelling, whereas

Whilst the applicant disagrees with the paramics data used for assessing the increase in trips rates (although the data was previously agreed by the applicant) and associated impact on congestion, WCC Highways have identified a lack of capacity for the highway network to cope with the additional trip generation, based on up-to-date, representative data from existing discount food stores within Warwickshire. Emscote Road already suffers from significant congestion, and the modelling tools utilised to assess the development indicate the introduction of

these additional demands will have a severe impact on the network. The issue of additional congestion would be most severe from between 6:00pm to 7:00pm in the weekday PM peak period, however it is noted that during the AM peak period, or in the Saturday peaks there would be no increased delays. Any severe impact on the highway network is unacceptable.

For these reasons, it is considered that the proposal would result in the generation of significant traffic movements, leading to significant delays and further congestion along a route which already experiences a high level of congestion. Inadequate measures have been proposed which could mitigate the adverse impacts of such additional traffic generation and congestion. The proposal is therefore considered to be contrary to Local Plan policy TR2.

Parking

Members of the public raise concern regarding the impact of the development on nearby residents' parking, which already experiences severe parking stress. Members of the public note that Homebase currently allows parents to park in the car park when dropping off children to Coten End School and employees of nearby businesses, which would be dispersed into the highway. Members of the public have also queried whether parking spaces for elderly residents of Lakeland House can be provided.

There are currently 104 car parking spaces provided, which would be reduced to 97. The existing parking requirement in accordance with today's adopted standards would be 259 spaces and the proposal requires 162 spaces. The net reduction in the number of required spaces is 97 spaces, however, this is still an under provision of 65 spaces for the proposed development.

The Council's Vehicle Parking Standards guidance does allow for flexibility in the application of the standards to specific development proposals and paras 4.7 to 4.10 of the document outline the occasions when strict adherence may not be required. The applicant proposes that they meet criterion 5, where "the development will generate significantly less parking than prescribed in the standard". They suggest that this is because a discount retailer with fewer lines than an open A1 retailer tends to produce significantly shorter dwell times within the store. The applicant informs that typically, the average length of stay of a Lidl customer is between 20 and 25 minutes. The applicant states that it is length of stay that has a particularly burdensome effect on the demand for parking.

The applicant has provided information in relation the parking demands at the existing Lidl store in Warwick. This identifies that the maximum parking demand would be 55 during the weekday peak period (midday) and 66 spaces during the weekend peak period (11:00-12:00) which is below the proposed 97 car parking spaces provided. However, WCC Highways consider that the information provided by the applicant in regards to parking is based on an accumulation survey, which is informed by inaccurate trip rate data as outlined above. This does not take account of the agreed paramics modelling trip data, which shows a higher level of trip rates than that which the applicant proposes. Therefore, WCC Highways do not agree that the parking demands provided by the applicant are accurate. During

the surveys WCC Highways took of the 9 discount retailer sites, 4 of them had 100% occupancy, two sites had 90% occupancy, 2 sites had an occupancy of 80% and 1 site had an occupancy of below 80%. WCC Highways consider that this data is a more robust data to calculate parking occupancy rates and that it highlights the need to assess the circumstances of all of the sites when informing trip rates and parking demands.

The car park estimation presented by the developer assumes a maximum occupancy of 97 vehicles (or 100% of the proposed spaces) using data from WCC Highways, and suggests that using their data 66 spaces would be occupied at the peak times. However, as occupancy is calculated with trips during regular months, a buffer should also be provided for calculating capacity in relation to future trips and irregular months, such as days when the demand could be higher (e.g. Christmas), which has not been provided. The data provided by WCC Highways suggests much higher occupancy, of potentially 100% at peak times, leading to vehicles waiting and parking with the nearby public highway.

Although Homebase may currently allow parents of children attending Coten End School to park in their car park, this is an informal arrangement which could cease at any time. It would also be unreasonable for Officers to insist that the applicant provides parking for an unrelated site.

Therefore, the proposal is considered to provide inadequate parking, which could lead to vehicles parking within the limits of the public highway, causing harm to highway safety and inconvenience to road users. The development is considered to be contrary to Local Plan policy TR3 and the Vehicle Parking Standards.

Ecological Impact

WCC Ecology have assessed the application and note that the development will result in a minor net gain to biodiversity, which is in accordance with the requirements of the NPPF and Local Plan policy NE2. However, WCC Ecology recommend that the applicant considers enhancing the site further due to the limited amount of soft landscaping, suggesting that a green wall would be beneficial. The applicant does not wish to install the green wall and WCC Ecology have no objection to the proposal.

Although a green wall would be favourable, as there would be no net biodiversity loss at the site, it would be unreasonable for Officers to insist on this being provided as part of the application. WCC Ecology recommend that a condition is attached for the provision of a scheme detailing biodiversity enhancements (such as the green wall). However, as WCC Ecology have confirmed that there would be a small net biodiversity gain, which means that the development is policy compliant as proposed, it would be onerous to impose a condition of this nature on the application, if it were to be approved.

Therefore, the development is considered to be in accordance with Local Plan policy NE2.

Air Quality

Members of the public raise concern regarding increased pollution from additional traffic and building works in an area where there are already high levels of pollution.

The applicant has provided an Air Quality Assessment, which has been assessed by Environmental Protection, who consider the methodology and findings acceptable. The damage costs associated with the impact of the development on air quality have been agreed as £39,609.34. This could be secured by a Section 106 agreement, or the applicant has the opportunity to propose a mitigation scheme of the same value which accords with the Type 3 mitigation requirements of the Council's Air Quality & Planning Supplementary Planning Document. In this instance, the applicant has proposed one rapid electric charging point, two fast charging points and associated cabling to satisfy the requirements, which Environmental Health Officers agree is a comparable value. The applicant is required to provide precise details regarding the points, which could be suitably conditioned if the application were being approved. A condition would also be required for type 1 (eg. standard electric charging points) and type 2 (eg. use of reasonable endeavours to use vehicles complying with European Emission Standards or a fleet emission strategy) mitigation if the application were approved, which are required as the proposal is for major development.

However, it must be noted that the mitigation measures and damage costs associated with the impact on air quality are based on the Air Quality Assessment provided by the applicant, which is based on the applicant's proposed trip rates. As stated above, the trip rates are not agreed by Officers. The damage costs and required mitigation would be higher if the trip rates identified by WCC Highways were used for the Air Quality Assessment, and would need to be agreed with Environmental Health Officers in the event that Councillors approve the application.

Subject to suitable mitigation for the impact of the development on air quality, the development would be in accordance with Local Plan policy NE5.

Other Matters

Contaminated Land

The applicant has undertaken a contamination assessment and ground investigation of the site which has concluded that further investigation is required to adequately characterise the site. Further investigation would include ground gas and VOC monitoring due to the thickness of made ground encountered and the presence of VOCs in the groundwater. As a result, Environmental Protection recommend a condition is imposed to ensure that a site investigation scheme and method statement are provided prior to commencement of works. If the application were to be approved, this condition could be added.

Drainage and Water Efficiency

Members of the public consider that there would be an increased risk of flooding. However, the site is located in Flood Zone 1 with a low risk of flooding. It should also be noted that the proposed building would be smaller than the current property and that additional soft landscaping is proposed in comparison to the existing arrangement.

The Local Lead Flood Authority (LLFA) initially objected to the proposal because the development was not considered to conform with the required standards relating to the discharge of water from the site and it was considered that the calculations of brownfield run off were not applied correctly.

The applicant has provided updated information in line with the LLFA's recommendations and they now have no objection to the proposal, subject to a condition requiring that the development is carried out in accordance with the Flood Risk Assessment and outline drainage strategy provided in support of the application. This is considered reasonable and necessary for the purposes of the development, and could be added if the application were approved. The proposal is therefore considered to be in accordance with Local Plan policy FW2.

A condition could be added for compliance with Local Plan policy FW3 relating to water efficiency.

Waste

Members of the public consider that the proposal would result in additional littering. The applicant would be responsible for their own waste collection arrangements, which are likely to be similar to those at the existing site. Officers have no reason to believe that adequate waste storage and disposal cannot be accommodated by the applicant.

Archaeology

Members of the public consider that the archaeological impact not fully addressed. However, WCC Archaeology have not commented on the application, so it is unlikely that items of archaeological importance would be impacted as a result of the development.

BREEAM Requirements

As the proposal results in the construction of over 1,000sqm of non-residential floorspace, a pre-assessment stage assessment by an accredited BREEAM assessor demonstrating how the development will be designed and constructed to achieve a minimum BREEAM standard 'very good' is required. This was provided by the applicant which confirms that the development could meet 'very good' BREEAM standard required. A condition could be imposed for the requirement of additional information relating to the design stage and to ensure that the development was carried out in accordance with the details submitted if the application was being approved.

Miscellaneous

Members of the public consider that there is economic disadvantage for the remaining local confectionery/tobacco/newsagent shops as the area is already served by Tesco and Sainsburys and the proposal is not needed. They also object on the basis of the loss of a home / DIY store and state that there is a preference for alternative retailer such as B&M. However, this preference does not represent a material planning consideration so cannot be assessed as part of this application.

Members of the public also note that the proposal will increase choice for shoppers, will allow those who cannot travel far to access more services, and that the site is in a convenient place for many people to access. Whilst this may be the case, these matters do not outweigh highway capacity concerns.

A query has been raised whether improved boundary treatments be installed as part of the proposal. However, this is not reasonable or necessary for the purposes of the development.

Conclusion

The proposed development is likely to result in the generation of significant traffic movements, which would lead to significant delays and further congestion along a route which already experiences a high level of congestion. Inadequate measures have been proposed which could not mitigate the adverse impacts of such additional traffic generation and congestion. Furthermore, it is considered that inadequate parking is provided in order to serve the development, which could lead to increase demands on nearby residents parking, leading to parking stress and a detrimental impact on neighbouring amenity. The proposal is therefore considered to be contrary to Local Plan policies TR2, TR3 and BE3.

REFUSAL REASONS

- 1 Local Plan policy TR2 states that all large-scale developments that result in the generation of significant traffic movements should be supported by a Transport Assessment, and where necessary a Travel Plan, to demonstrate the practical and effective measures to be taken to avoid the adverse impacts of traffic.

The information submitted indicates that there would be severe levels of delay resulting from additional trips to the site, significantly increasing journey times and adding to existing highway congestion. There is a lack of capacity for the existing highway network to cope with the additional trip generation. The measures proposed are considered to be inadequate and would not mitigate the adverse impacts of additional traffic generated as a result of the proposed development.

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

- 2 Policy TR3 states that development will only be permitted which makes provision for parking. Policy BE3 states that development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents.

The development has an under-provision of car parking by 65 spaces in accordance with the recommendations of the Vehicle Parking Standards. It is considered that it has not been adequately demonstrated that a departure from the standards would not lead to additional vehicles parking within the limits of the public highway. This is likely to cause harm to highway safety and inconvenience to road users.

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

Planning Committee: 03 March 2020

Item Number: 6

Application No: [W 19 / 0860](#)

Town/Parish Council: Warwick

Case Officer: Emma Booker

01926 456521 Emma.Booker@warwickdc.gov.uk

Registration Date: 09/01/20

Expiry Date: 05/03/20

6 Phillippes Road, Woodloes Park, Warwick, CV34 5TR

Erection of 1.95m high fence and change of use of land from open space to garden land (Retrospective Application). FOR Mr. Lakhbir Singh

This application is being presented to Planning Committee due to the number of comments in support received from neighbours and the application is recommended for refusal.

RECOMMENDATION

It is recommended that Members refuse planning permission for the reasons set out at the end of this report.

DETAILS OF THE DEVELOPMENT

The application seeks retrospective planning permission to re-site the fence from the side boundary to adjacent to the highway. The fence has been erected on the north side of Brese Avenue and incorporates the grass verge into the private amenity space of 6 Phillippes Road. The fence is approx. 1.95 metres in height and is set back slightly from the edge of the pedestrian footpath, thus retaining a narrow strip of grass.

The applicant has submitted a Design and Access statement with the application, which outlines the rationale for the development. The statement describes various issues associated with the up-keep of the grass verge, anti-social behaviour, poorly maintained/ overgrown trees, dog fouling and grooming, poor visibility/ safety concerns for pedestrians and parked vehicles, litter/fly-tipping etc. - all of which the applicant states have been addressed by the development. Photographs have also been included in the Design and Access Statement in support of the applicant's rationale for the development. A letter from the Council's Estates Manager is also included which confirms that the land is not within Warwick District Council's ownership.

THE SITE AND ITS LOCATION

The application property is a two-storey semi-detached dwelling located on a corner plot at the junction where Phillippes Road meets Brese Avenue on the Woodloes Estate in Warwick. The Woodloes Estate is characterised by an open plan layout which was secured at inception and has been maintained through the removal of permitted development rights for new means of enclosure. This gives the estate a pleasant open, spacious and landscaped character. Prior to the re-

siting of the fence, a 6m wide (approx.) area of green landscape area formerly separated the side boundary of the subject property from the pedestrian footpath on the north-side of Brese Avenue. A number of trees were planted within this grassed area.

PLANNING HISTORY

No relevant planning history.

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- FW1 - Development in Areas at Risk of Flooding
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

Warwick Town Council - Object on grounds that the development results in harm to the character and appearance of the area and conflicts with Policy BE1. The Town Council also acknowledges the recent appeal against a refusal of planning permission for the retention of a fence at Huddisdon Close on the Woodloes estate which was dismissed.

WCC Highway Authority: No objection.

WCC Landscape Team: Objection on grounds of the development's adverse impact on the character and appearance of the area.

Public Response:

29 support comments received (26 support signatures received via petition (included in Design and Access Statement / 2 support comments received via WDC website, house number not disclosed / 1 support received via website) on the following grounds:

- the development has improved safety for pedestrians and parked vehicles;
- the development compliments/ is of benefit to the character of the area;
- the development appears neat, tidy and professionally installed;
- the removed trees were an eyesore;
- the development has deterred and eradicated anti-social issues;
- the development was required to maintain the land.

8 objection comments received (7 of which have not disclosed house number) on the following grounds:

- the development appears incongruous and has had an adverse impact on the open character of the street;
 - the development has reduced the green open spaces;
 - the development sets a harmful precedent and will encourage other developments of the same nature;
 - the development reduces the visibility when approaching the junction with Brese Avenue;
 - the remain strip of grass/weeds look untidy;
 - the development protrudes forward of the building line;
 - the benefits of the development felt solely only to the applicant;
 - the described incidence of anti-social behaviour is an exaggeration;
 - the justifications for the development are invalid;
 - permitted development rights for the erection of fences have been removed for the Woodloes;
 - fencing all the green areas must not be allowed so that the Woodloes open landscape can be retained;
 - WDC do maintain the area of grass;
- regard should be given to the appeal decision at Huddisdon Close.

DETAILS OF THE DEVELOPMENT

The application seeks retrospective planning permission to re-site the fence from the side boundary to adjacent to the highway. The fence has been erected on the north side of Brese Avenue and incorporate the grass verge into the private amenity space of 6 Phillippes Road. The fence is approx. 1.95 metres in height and set back slightly from the edge of the pedestrian footpath, thus retaining a narrow strip of grass.

The applicant has submitted a Design and Access Statement with the application, which outlines the rationale for the development. The statement describes various issues associated with; the up-keep of the grass verge, anti-social behaviour, poorly maintained/ overgrown trees, dog fouling and grooming, poor visibility/ safety concerns for pedestrians and parked vehicles, litter/ fly-tipping etc. - all of which the applicant states have been addressed by the development. Photographs have also been included in the Design and Access Statement in support of the applicant's rational for the development. A letter from the Estates Manager is also included which confirms that the land is not within Warwick District Council's ownership.

THE SITE AND ITS LOCATION

The application property is a two-storey semi-detached dwelling located on a corner plot at the junction where Phillippes Road meets Brese Avenue, Warwick. The application relates to the existing fencing located to the side boundary of the property, on the north-side of Brese Avenue. The Woodloes estate is characterised by an open plan layout which was secured at inception and has been maintained through the removal of permitted development rights for new means of enclosure. This gives the estate a pleasant open and landscaped character. As original, an approx. 6.0 wide area of green landscape separated the side boundary of the subject property from the pedestrian footpath on the north-side of Brese Avenue. A number of trees were planted within this grassed area.

PLANNING HISTORY

No relevant planning history.

ASSESSMENT

Design and impact on the street scene

The National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions. Furthermore, Warwick District Council Local Plan Policy BE1 seeks to ensure that development is constructed using appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not result in harm to the character of the local area. Finally, the Residential Design Guide SPD sets out steps which should be followed in order to achieve good design in terms of the impact on the local area; the importance of respecting existing importance features; respecting the surrounding buildings and using the right materials.

27 support comments have been received from neighbours. With regard to design, these neighbours consider that the development positively contributes to the street scene by stating that the fence is of a high quality and professionally installed and was required to improve the appearance of the land.

8 objection comments have been received from neighbours on the basis that they consider the development to result in an incongruous feature which has an adverse impact on the open character of the street through the enclosure of green open space and would set a harmful precedent which would encourage other developments of a similar nature. The objectors disagree with the view that WDC did not maintain the land, and therefore contest the rationale for the proposal. It is considered that the benefits of the development are felt solely by the applicant. Objectors draw attention to the fact that Permitted Development Rights have been removed on the Woodloes Estate and that property owners/occupiers are required to apply for planning permission to carry out this form of development. Objectors consider that the green areas should not be allowed to be enclosed in order to retain the open character of the estate. Objectors also give regard to the recent appeal decision at the neighbouring property 1 Huddisdon Close (application ref: W/18/2119), where the appeal was dismissed for a similar proposal.

The Landscape Team at Warwickshire County Council and Warwick Town Council have also submitted objections to the development on the basis that it does not positively contribute to the character and appearance of the area. Concern is also raised over the position of the fence forward of the building line on Brese Avenue.

The application property is located on a corner plot, at the junction between Phillippes Road and Brese Avenue. The original fence line ran along the side

boundary of the property along the north-side of Brese Avenue, with a large strip (approx. 6 metres in width) of green landscaping separating the fence and the public footpath. A number of trees were also planted within the green verge.

A new fence line has been erected and is situated less than 1.0m from the public footpath, which is considered to have a significant detrimental impact on the character and appearance of the street scene. Officers do not agree with the supporters of the proposal that the development makes a positive contribution to the street scene. The original area of green landscaping acted as a buffer between the footpath and the fence. Hard boundary treatments in this area are typically set well back from the public highway with soft landscaping as the intervening feature. In the immediate street scene there are several large areas of green open space with boundary treatments set back from the highway which can be seen directly opposite the site along the east-side of Phillippes Road and south-side of Brese Avenue. The proposal is therefore considered to contrast with the open and landscaped character of the street scene, thus appearing as an overly dominant and incongruous feature which results in harm to the open and spacious feel of the area.

The Woodloes Estate benefits from large amounts of green spaces especially between built up frontages and the public highway. It is considered that the original green open area formed part of the established character of the area and provided soft landscaping in a highly built up area. To re-site the high boundary fencing to its current position, closer to the highway, is considered to result in the loss of a large area of green open space which previously positively contributed to the character of the street scene.

Officers have given regard to support comments which consider that the fence provides a solution to the lack of maintenance carried out on the land, however, it is considered that alternative means of addressing this issue exist which would not have a detrimental impact on the character of the street scene. It is therefore considered that the perceived overgrown and untidy nature of the green open space does not provide adequate justification of the proposal which appears incongruous in the street scene. The development is therefore considered unacceptable. The visual impression of a hard boundary treatment in the street scene is increased and is not in keeping with the established character of the immediate street scene or the wider character of the Woodloes estate.

Within the Design and Access Statement, the applicant has provided examples of a number of sites where fences have been erected adjacent to the highway. The addresses of the sites have not been provided and Officers are therefore unable to determine the location of the developments and consider that these examples provide little weight in favour of the development subject of this planning application.

With regard to 1 Huddisdon Close, planning permission (W/18/2119) was refused for the retention of a 1.98m high fence to the southern boundary and the subsequent appeal was dismissed on grounds of the harm to the open and spacious character of the area. This is a material consideration in the assessment of the current application.

As expressed by the objectors, it is also the concern of Officers that granting this application would set a harmful precedent for the loss of other large areas of green open space to be incorporated into residential curtilage, which the Council have sought to resist via the removal of Part 2, Class A Permitted Development Rights (means of enclosure) across the Woodloes Estate. The cumulative impact of such proposals would have a detrimental impact on the open and landscaped character and appearance of the Woodloes Estate.

The proposed development is therefore considered to conflict with Local Plan Policy BE1 and the NPPF since the design of the development would not harmonise with the street scene and the character of the area and is considered to constitute poor design.

Impact on the amenity of neighbouring properties

Policy BE3 of the Warwick District Local Plan 2011-2029 states that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents. Furthermore, the Residential Design Guide SPD includes the 45 Degree Guideline which seeks to prevent any unreasonable effect on the neighbouring property resulting from loss of daylight, sunlight or outlook.

It is considered that the proposed boundary treatment would have an adverse impact on the amenity of the occupiers of 29 Brese Avenue. The boundary treatment breaches the 45-degree line when taken from the mid-point of a window fitted within the principle elevation of the dwelling at ground floor level, which serves a habitable room. The boundary treatment is considered to curtail both light and outlook to this room and is therefore considered to result in harm to living conditions.

Officers acknowledge that a large conifer tree is planted at the front boundary of 29 Brese Avenue, which has an existing impact on light and outlook to the neighbour's habitable room. However, it is considered that the presence of the tree does not diminish Officer's concerns with regard to the impact of the fence on light and outlook to 29 Brese Avenue.

For the reasons discussed above, it is considered that the development fails to comply with Local Plan Policy BE3 the Residential Design Guide SPD

Support comments from neighbours state that the proposal should be supported due to the impact that the fence has improved pedestrian safety - according to the Design and Access Statement, the removal of the trees has increased visibility and reduced places in which people can hide and jump out at pedestrians. In addition to this, it is considered that the fence acts as a deterrent for anti-social behaviour. Objectors however contest the view that anti-social behaviour was a problem in the area prior to the erection of the fence. Due to a lack of information with regard to this, Officers have given limited weight to this justification put forward by the applicant and in any case, it is considered that this would not outweigh the harm to the character and appearance of the area.

Flood Risk

The site lies within Flood Zone 2. Due to the nature of the development, it is considered that it would not increase the likelihood of flooding within the locality. The proposal is therefore considered to satisfy the criteria of Local Plan Policy FW1.

Highway Safety

The Highway Officer at the Highway Authority at Warwickshire County Council has carried out an assessment of the development and raises no objection on highway safety grounds. Officers are therefore satisfied that the proposal complies the criteria of Local Plan Policy TR1.

CONCLUSION

The proposed re-siting of the fence is considered to be harmful to the character and appearance of the area. The development is also considered to be harmful to the amenity of 29 Brese Avenue due to a significant breach of the 45-degree line from a ground floor window fitted within the principle elevation of the property, which serves a habitable room. The development therefore conflicts with Local Plan Policies BE1 and BE3 of the Local Plan, the Residential Design Guide SPD and the NPPF.

REFUSAL REASONS

- 1 Policy BE1 of the Warwick District Local Plan 2011-2029 states that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design.

The Woodloes Estate is characterised by open plan frontages and green landscaping which gives the estate a pleasant spacious and open character. In contrast, the re-sited fence results in the enclosure of green landscaping and results in a 1.95m high boundary treatment located adjacent to the public highway. This is not characteristic of this area and results in unacceptable harm to the character and appearance of the area.

The granting of planning permission for this fence would set an undesirable precedent which would make it increasingly difficult for the Council to resist similar future proposals relating to other residential properties in this development which cumulatively would result in serious harm to the open character of the estate.

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

- 2 Policy BE3 of the Warwick District Local Plan 2011-2029 states that development will not be permitted which has an unacceptable adverse

impact on the amenity of nearby uses and residents. The Local Planning Authority (LPA) has also adopted the 45 Degree Guideline as part of its Residential Design Guide SPD which aims to prevent any unreasonable effect on the neighbouring property by reason of loss of daylight or sunlight and by creating an unneighbourly and overbearing effect.

In the opinion of the LPA, the development has an adverse impact on the living conditions of the occupiers of 29 Brese Avenue. The fence breaches the 45-degree line when taken from the mid-point of a window which serves a habitable room fitted within the front elevation of the single storey front extension. The development is therefore considered to have an unacceptable impact on the amenity of this neighbour by reason of loss of light and outlook.

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

Application No: [W 19 / 1858](#)

Town/Parish Council: Warwick

Case Officer: Helena Obremski

01926 456531 Helena.Obremski@warwickdc.gov.uk

Registration Date: 01/11/19

Expiry Date: 31/01/20

Former Tamlea Building, Nelson Lane, Warwick, CV34 5JB

Redevelopment of the former Tamlea Building for residential purposes, (including the demolition of all existing buildings) and creation of associated access, parking, landscaping and associated infrastructure. FOR Orbit Group Limited

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

RECOMMENDATION

Planning Committee are recommended to REFUSE planning permission for the reasons set out in the report.

DETAILS OF THE DEVELOPMENT

The proposal seeks full planning permission for the redevelopment of the former Tamlea Building for residential purposes, (including the demolition of all existing buildings) and creation of associated access, parking, landscaping and associated infrastructure, to provide 29 residential units. The scheme would be 100% affordable housing.

This is a resubmission of a previously withdrawn scheme (W/19/0067) which was withdrawn owing to outstanding concerns relating to the proposed living conditions for the future occupiers of the dwellings, namely the impact of the existing boatyard adjacent to the site and substandard garden sizes. The number of units have been reduced from 31 to 29, allowing the garden sizes to be increased and the properties which were removed were those closest to the boatyard.

THE SITE AND ITS LOCATION

The application relates to industrial premises situated on the northern side of Nelson Lane. This part of Nelson Lane contains a mixture of commercial and residential properties, with predominantly commercial uses on the northern side and predominantly residential uses on the southern side. However, the adjacent premises to the west have recently been converted to residential use.

The site is bounded by Nelson Lane to the south and by the Grand Union Canal to the north. The site is located immediately adjacent to the relatively recently adopted Canal Conservation Area. There is a boatyard on the canalside adjoining the northern boundary of the site and the vehicular access to this runs along the

western boundary of the site. The building on the opposite side of this access has recently been converted into residential use. Further industrial premises adjoin the site to the east. There are dwellings on the opposite side of Nelson Lane.

Industrial buildings cover much of the western half of the site, with an open yard area to the eastern half. There is a parking area to the front of the buildings on the Nelson Lane frontage. There are two lines of trees on the site, one on the eastern boundary and one on part of the Nelson Lane frontage. There are further trees between the site and the canal.

PLANNING HISTORY

There have been a number of previous planning applications relating to the existing industrial premises on the application site. However, most of these are not relevant to the consideration of the current proposals. Those which are considered relevant are:

W/19/0067 - Application withdrawn for redevelopment of the former Tamlea Building for residential purposes, (including the demolition of all existing buildings) and creation of associated access, parking, landscaping and associated infrastructure, to provide 31 affordable residential units.

W/17/0701 - Development of 47no. residential units to include houses and apartments (outline application including details of access, layout and scale) - planning permission refused for: loss of employment land; harmful design; loss of important natural features; substandard cycle parking; inadequate information relating to drainage and flood risk; unacceptable impact on neighbouring residential amenity; unacceptable living conditions for the future occupiers of the dwellings; highway safety concerns; inadequate access for refuse vehicles to enter the manoeuvre around the site.

W/15/0765 - Change of use from engineering units to a two year temporary use for vehicle storage - planning permission approved.

W/11/1173 - Construction of five industrial units and car parking - planning permission approved.

RELEVANT POLICIES

- National Planning Policy Framework
- DS1 - Supporting Prosperity
- DS2 - Providing the Homes the District Needs
- DS3 - Supporting Sustainable Communities
- DS4 - Spatial Strategy
- DS5 - Presumption in Favour of Sustainable Development
- PC0 - Prosperous Communities
- EC3 - Protecting Employment Land and Buildings
- H0 - Housing

- H1 - Directing New Housing
 - H2 - Affordable Housing
 - H4 - Securing a Mix of Housing
 - SC0 - Sustainable Communities
 - BE1 - Layout and Design
 - BE3 - Amenity
 - TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
 - TR2 - Traffic generation (Warwick Local Plan - 2011-2029)
 - TR3 - Parking (Warwick District Local Plan - 2011-2029)
 - HS1 - Healthy, Safe and Inclusive Communities
 - HS4 - Improvements to Open Space, Sport and Recreation Facilities
 - HS6 - Creating Healthy Communities
 - HS7 - Crime Prevention
 - CC1 - Planning for Climate Change Adaptation
 - CC3 - Buildings Standards Requirements
 - FW1 - Development in Areas at Risk of Flooding
 - FW2 - Sustainable Urban Drainage
 - FW3 - Water Conservation
 - FW4 - Water Supply
 - HE1 - Protection of Statutory Heritage Assets
 - HE2 - Protection of Conservation Areas
 - NE2 - Protecting Designated Biodiversity and Geodiversity Assets
 - NE3 - Biodiversity
 - NE4 - Landscape
 - NE5 - Protection of Natural Resources
 - DM1 - Infrastructure Contributions
 - DM2 - Assessing Viability
 - HS8 - Protecting Community Facilities
-
- Open Space (Supplementary Planning Document - April 2019)
 - Affordable Housing (Supplementary Planning Document - January 2008)
 - Residential Design Guide (Supplementary Planning Document- May 2018)
 - Distance Separation (Supplementary Planning Guidance)
 - The 45 Degree Guideline (Supplementary Planning Guidance)
 - Sustainable Buildings (Supplementary Planning Document - December 2008)
 - Parking Standards (Supplementary Planning Document)
 - Air Quality & Planning Supplementary Planning Document (January 2019)

SUMMARY OF REPRESENTATIONS

Warwick Town Council: No objection, the Town Council supports comments made by WCC Landscape, Green Spaces, Environment Agency and Health and Community protection.

Inland Waterways: Neutral, whilst in support of redevelopment of the area, the plans bear no relationship to the adjacent architecture and has an unattractive face towards the canal frontage of a densely built up nature. This is likely to lead to exacerbating the on-going traffic problems in the area and fails to provide green spaces for the residents.

WCC Ecology: No objection, subject to conditions.

WCC Highways: No objection, subject to conditions and contribution of £15,000 towards the provision of a sustainable cycle scheme on Coventry Road.

Canal and River Trust: No objection, however concern raised regarding the potential negative impact on an existing canal fronting business (Kate's Boat) and the lack of mitigation to properties which could be impacted as a result of noise from the nearby boat repair building and boat moorings. The trust suggests that consideration is given to whether the location of dwellings relative to existing trees to be retained would likely lead to pressure to remove trees within ownership of Canal and River Trust. They recommend a condition requiring the provision of a method statement for properties nearest to the canal to ensure land stability. They also recommend further contaminated land surveys and make recommendations about drainage.

SWFT: No objection.

WCC Landscape: No objection, following receipt of amended plans.

Housing: No objection.

Tree Officer: No objection, subject to a condition.

WCC Infrastructure: No objection, subject to contributions of £97,015 towards education provision, £290 towards sustainable travel promotion and £1,450 towards road safety initiatives.

Sports and Leisure: No objection, subject to £2,083 towards outdoor sports, £23,256 towards indoor sports and £9,028 towards grass pitches.

Open Space: No objection, subject to a contribution of £145,080 towards the improvement of local green spaces.

Environment Agency: No objection, subject to conditions.

WCC Public Rights of Way: No objection.

Public Responses:

8 Objections:

- concern regarding the impact on parking from construction vehicles;
- the impact on construction work on neighbouring amenity;
- the impact on congestion, parking and highway safety;
- the industrial use should remain;
- there have been accidents along nearby highway networks which aren't recognised by the environment desk report;
- the lack of amenity area and the need for a safe space for children to play;
- how can safe passage along the towpath be achieved?;

- there would not be a reduction in HGV traffic as suggested by the Transport Statement along Nelson Lane;
- inadequate access for emergency services.

10 Comments of Support:

- this site has been vacant and out of use for a few years, leading to deterioration and degradation of the area, impacting local residents as it creates an unappealing and neglected feel to the area;
- the plans would create much-needed regeneration, investment and improve the look of the whole road to become more attractive and useful;
- the proposal represents an enhancement to the Conservation Area;
- it supports the inclusive growth of the local industrial strategy for the area;
- it supports the desire for the areas around our canals to be improved through regeneration and investment;
- the scheme is of a sensible size, fitting in well, that will enhance the surrounding area;
- the scheme will create employment through its development;
- the District is in need of affordable housing;
- the development will reduce commercial traffic;
- the proposal will not impact on the adjacent boat business.

ASSESSMENT

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

- Principle of the development;
- residential amenity and impact on adjacent industrial use;
- the impact on the character of the area and the Conservation Area;
- car parking and highway safety;
- waste;
- housing mix;
- affordable housing and section 106 contributions;
- the impact on trees;
- drainage and flood risk;
- ecological impact; and
- other matters.

Principle of the Development

The site currently comprises employment land. Local Plan policy EC3 states that outside of town centres, the redevelopment or change of use of existing employment land for other uses will not be permitted unless one (or more) of five criteria are met. One of these criteria (point e) is if the proposal is solely for affordable housing as defined in national guidance.

The proposed development is for 100% affordable housing as defined in national guidance. Therefore, the proposal would be in accordance with the requirements of Local Plan policy EC3 and the principle of the development would be acceptable.

Residential Amenity and Impact on the adjacent Industrial Use

Warwick District Local Plan policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a responsibility for development not to cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or visual intrusion. The Residential Design Guide provides a framework for policy BE3, which stipulates the minimum requirements for distance separation between properties and that extensions should not breach a 45 degree line taken from a window of the nearest front or rear facing habitable room of a neighbouring property.

There have been objections from members of the public that the construction works would cause harm to neighbouring residential amenity and that there is a lack of amenity area and safe space for children to play.

Relationship to existing residential properties

Under the previous scheme refused in 2017 there was concern about the relationship of the proposed development and the existing flats to the west of the site. There was a substandard distance separation between the existing building and the proposed development, detrimentally impacting on the living conditions of the occupiers of the neighbouring property.

The current proposal has reduced the number of units from the previous schemes submitted. There would be no 45 degree conflict from any existing residential property and there is a distance separation of 12 metres from windows serving the neighbouring residential property to a two storey gable. Although there would be windows in the gable, these can be conditioned to be permanently obscure glazed and non-opening without hindering the living conditions of the future occupiers, thus essentially providing a blank gable. This would therefore meet the Council's distance separation guidance for this relationship.

Other existing residential properties along Cliffe Way are over 28 metres away from the proposed development and have a side to front facing relationship, meaning that there is ample distance separation between the properties.

Environmental Health recommend a condition for the provision of a construction management plan to control the impact of construction works on existing properties, which could be added if the application were being approved.

The development is therefore considered to have an acceptable impact on neighbouring residential amenity.

Proposed Living Conditions for the Future Occupiers

The applicant has provided a noise assessment in support of the application relating to the likely impacts of noise on the future occupiers of the development at the request of Environmental Health Officers. Under the previously withdrawn application Environmental Health Officers expressed concerns relating to the

impact of road noise on the future occupiers, however, the noise assessment has demonstrated that mitigation measures could be provided which achieve the recommended internal noise levels relating to the impact of road noise, which could be controlled by condition. Environmental Health Officers however still have concerns as with the previous application in relation to the neighbouring industrial site run by Kate's Boats and the internal layout of the proposed development.

There is a boatyard which operates next to the application site, with a "boat building" which is located immediately in front of the application site on the canal, which is used for boat repairs. Environmental Health classify the activities associated with this use as "industrial noise sources", which include mechanical grinding, reversing alarms, clatter and bangs, and manoeuvring vehicles. These types of incidents are more likely to create noise disturbance and complaint as opposed to the noise from a passing canal boat. Paragraph 182 of the NPPF states that planning policies and decisions should ensure that new development can be integrated effectively with existing businesses. Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

Environmental Health objected to the previous application due to the anticipated adverse noise impacts from the existing boat repair unit immediately north of the proposed development site and the lack of a sufficient noise assessment accompanying the application. A new noise assessment report was prepared for the resubmitted application.

The boat yard activities have been assessed in accordance with relevant British Standard which considers the impact of commercial and industrial noise sources on residential receptors. The noise report details the findings of a noise assessment completed over six days (including 4 working days). The proposed development has been revised by removing 3no proposed dwellings and increasing the separation distances of properties away from the existing boat repair unit. The updated assessment report has assessed the noise impacts of the boat repair unit on nearby proposed residential dwellings and gardens.

The noise assessment has identified that a number of plots near to the boat repair unit would experience adverse noise impacts of up to +6dB above background level. The dwellings affected by this are Plots 13, 14, 15, and 16. The noise assessment also indicates that significant adverse noise impacts would occur if the boat repair unit was operated in the late evening and night time. Environmental Health Officers understand that activities do not currently take place at these times, however, there are no restrictions to prevent this. Officers do concur with the assessor's comments, however, that night time and evening repair activity are unlikely to take place due to safety implications.

Environmental Health however cannot rule out, that repair activities could intensify during the day time and/or that the repair unit could be used more frequently. A

2.5 metre brick wall noise barrier has been included along the northern boundary as part of the noise assessment to reduce the noise impacts from the boat repair unit, however, adverse noise impacts are still predicted in residential gardens. No additional measures have been proposed to mitigate the identified adverse noise impacts. Environmental Health have therefore objected to the proposal on the basis that the development fails to provide adequate living conditions for the future occupiers of the development and that the boat building could likely have an adverse impact, which could also lead to complaints against an existing business which could lead to restrictions being placed on that business.

The applicant considers however that the development accords with the requirements of the NPPF as currently proposed. Paragraph 180 of the NPPF requires development to mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development. It is noted that the policy does not require *adverse* impact to be avoided (unlike *significant* adverse impacts), but they must be reduced to a minimum. Whether the developer has reduced the impacts to a minimum is therefore the key question.

The agent informs that the applicant has reduced the impact to a minimum by:

- reducing the number of proposed units in comparison to the originally proposed scheme by two and has amended the layout accordingly.
- Increased the height of the boundary wall serving the properties affected by the boat building to 2.5m.
- The applicant has also considered whether any further changes could reduce further the adverse impact. However, it has not been possible to achieve this and to achieve the quantum and design of development the applicant wishes to secure in order to satisfy other consultees (most notably the views of the Conservation Officer).

The agent also informs that the Environmental Health Officer suggested a reorientation of the site plan, however shielding the gardens of plots 13-16 behind the dwellings would result in close boarded fences alongside the private road which is not considered to be good design. Removing the four affected dwellings altogether is also suggested, however the agent considers that this would go beyond the policy requirement in avoiding an adverse impact altogether. Further, the proposal as a whole would then not be deliverable with 4 less affordable dwellings.

The views of the Environmental Health Officer were sought regarding the applicant's comments above who nevertheless still consider that the site layout has not been sufficiently revised to address the adverse noise impacts. They state that the issue is that a satisfactory noise environment could be achieved at the site under an alternative and/or reduced scheme, and therefore they do not consider that noise impacts have been reduced to a minimum. The applicant argues that further revisions to the scheme would make the development undeliverable. That may be the case in terms of the applicant's desired scheme, however, it does not prohibit alternative schemes being developed at the site provided that they are mindful of the noise constraints.

The substandard living conditions provided by the development are further exacerbated by substandard garden sizes provided for six of the dwellings. Plots 2, 3, 4 and 16 require a private amenity area of 50sqm, however the garden sizes proposed are between 33.3 - 38.6sqm. Plots 18 and 19 require a private amenity area of 40sqm and are provided with gardens of 32.1sqm and 29.4sqm respectively. Plot 16 is most severely affected by the substandard conditions provided as they are likely to be the most impacted by noise disturbance from the boat yard and would have a substandard sized private amenity area.

It should be noted that none of the flats have access to any areas of private amenity space. However, the Residential Design Guide does stipulate that, *"For flats amenity space may be communal but should form a consolidated area. Provision of amenity space and gardens must be set within the context of ensuring that inefficient use of land is avoided. Therefore in situations where the standards cannot be achieved e.g. high density housing developments the Council will seek to work jointly in agreement with developers to provide an upgrade to nearby off site amenity space which will be available to the general public."* Officers concur that for the proposed flats, mitigation off site would be acceptable, because even if an area of amenity was provided, this would never be solely private and would be shared by multiple occupants.

Based on the inadequate garden sizes provided and the adverse noise impact from the boat building use, Officers are minded to agree with the Environmental Health Officer that a further reduction in the number of units would likely provide improved living conditions which would adequately mitigate the level of harm to the future occupiers. This would allow the garden sizes to be increased and the development to be located further from the boat building use. The applicant considers that reducing the number of units to accommodate the required sizes would therefore represent an inefficient use of land. However, Officers disagree with this conclusion as the proposal would allow for adequate living conditions to be provided.

Therefore, the proposed development is considered to provide unacceptable substandard living conditions for the future occupiers of the dwellings.

Impact on an existing industrial use

The proposal could also likely lead to complaints being made against an existing lawful neighbouring business and whilst the current occupiers do not object to the proposal, the nature of their future activities are unknown, and another future occupier may take over the site and increase their operations. This would adversely impact on the continuing operation of the business (or any future business) and could ultimately lead to the business closing or residents having to endure excessive levels of commercial noise if the business demonstrated best practicable means. These concerns have also been expressed by the Canal and River Trust who own the site occupied by Kate's Boats.

The proposal is therefore considered to be contrary to the NPPF and Local Plan policy BE3.

Impact on the Character of the Area and the Conservation Area

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

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

The explanatory text for policy HE1 clarifies that in considering applications relating to Conservation Areas, the Council will require that proposals do not have a detrimental effect upon the integrity and character of the building or its setting, or the Conservation Area.

Supporters of the proposal consider that the development would lead to an enhancement of the Conservation Area.

The existing site consists of a traditional industrial building, with little architectural merit, with the main building being a fairly long rectangular structure, and a smaller detached section towards the west. The property is however of its time and sits comfortably within the industrial context of the canal setting, thus having a neutral impact on the setting of the Conservation Area. The Conservation Officer has stated that this particular length of the Conservation Area, as explained in character length 3 in the Canal Conservation Area appraisal, is predominantly characterised by a mixture of late twentieth-century buildings and industrial structures dating from between the late eighteenth to late nineteenth-century, the earliest of which (the Bridge House) is Grade II Listed dating from 1781 to the west.

The most notable structure near to the site however is the wharf building and its industrial character and form contributes towards the overall appearance and character of the Conservation Area. Its setting should therefore be preserved as much as possible. Industrial architecture is characterised by prominent built form with consistent, horizontally running frontages and well-proportioned symmetrical

window and door apertures, with features including arches, chimneys and wide gables.

The wider area to the south is characterised by residential properties of varied design, with a mixed palette of materials and residential properties to the west. To the east is further industrial development and to the north (across the canal) is the WCC depot and Ridgeway School, where planning permission was relatively recently refused for the residential development of the allocated housing site.

Under the previously withdrawn scheme, the current design of the development was negotiated between the applicant and Conservation Officer. Concern was however raised in relation to the materials proposed, in that the use of uPVC for windows and rain water goods would not be supported in the immediate setting of the Conservation Area, nor would concrete roofing materials. The Conservation Officer did express concerns in relation to the impact of the previously 2.2m high brick wall proposed on the canal side and Conservation Area, although the reasons for this following the Environmental Health Officer's comments were noted. He concluded that when considering the scheme as a whole, any harm arising from this element is considered to be less than substantial; the combination of the design proposed and boundary treatments for blocks 1-10 facing the canal suitably mitigated the impact of a hard boundary to blocks 11-19, particularly with the input of blue brick detailing and coping, to an extent that he considered that the proposal preserved the appearance and character of the Conservation Area. It is noted that the proposed wall would be higher under this scheme than the previously proposed development, at a height of 2.5m, however, the wall would also be shorter, only serving plots 11 - 17. Therefore, overall the increase in height is considered to be mitigated by the reduction in length of the proposed wall.

The Conservation Officer has no objection to the proposal and recommends that in the event of an approval, conditions are attached which secure the provision of sample materials for all boundary treatments, in addition to all facing materials and large scale details of doors and windows. These could be added if the application were recommended for approval.

WCC Landscape consider that there should be a strong landscaped road frontage that includes additional replacement tree planting to soften the impact of the new development along Nelson Lane and that all trees removed should be replaced. However, Nelson Lane is generally characterised by much hard landscaping, with built form sitting nearby or adjacent to the road frontage. It is not considered that additional tree planting adjacent to Nelson Lane would be characteristic or necessary in this particular location. The trees of highest importance which add value to the Conservation Area next to the canal are retained. The applicant has amended the landscaping scheme to accommodate the comments made by the Landscape Officer, increasing the soft landscaping where possible. WCC Landscape have no objection to the amended proposal.

Therefore, although use of hard boundary treatments would cause a low level of harm, there would also be benefits to the scheme, through provision of appropriately designed built form and layout which outweighs the harm. The provision of affordable housing would also represent a significant material public

benefit of the scheme. Therefore, the low level of harm is balanced by the high quality design of the scheme as a whole which responds well to the Canal Conservation Area and Nelson Lane, thus leading to the development being considered to preserve the character and appearance of the Conservation Area.

The scheme is considered to accord with the NPPF and Local Plan Policies BE1 and HE1.

Car parking and highway safety

Members of the public have objected to the proposed development for the following reasons: concern regarding the impact on parking from construction vehicles; the impact on congestion, parking and highway safety; there have been accidents along nearby highway networks which aren't recognised by the environment desk report; there would not be a reduction in HGV traffic as suggested by the Transport Statement along Nelson Lane; and there is inadequate access for emergency services. Supporters of the proposal consider that the development will reduce commercial traffic.

Under the previously refused scheme, initially WCC Highways objected to the proposal owing to a lack of assessment on the wider traffic network and lack of clarity regarding tracking information of refuse vehicles. The applicant submitted an additional technical note and entered into discussion with WCC Highways. It was agreed that £15,000 could be provided towards a sustainable cycle scheme on Coventry Road. Further information on the tracking for large refuse vehicles was also provided. This information satisfied the concerns of WCC Highways who had no objection to the development, subject to conditions and the aforementioned financial contribution. The scheme remains similar to that which was previously proposed, apart from a reduction in the number of units, which would lower the number of trips to the site. WCC Highways therefore have no objection to the proposed development, subject to the same financial contribution, which could be secured by a Section 106 agreement.

The proposed development provides sufficient parking in accordance with the Council's Vehicle Parking Standards guidance. It should be noted that some of the parking is accommodated within car ports which are located underneath flats fronting onto Nelson Lane. These meet the Council's size requirements and are not counted as garages in this instance. Separate secure cycle storage is provided for residents.

The proposals is therefore considered to be in accordance with Local Plan policies TR1 and TR3.

Waste

Sufficient waste storage has been provided within the site boundaries and waste management have no objection to the proposed development.

Housing mix

The NPPF states that local planning authorities should plan for a mix of housing, based on current and demographic trends, market trends and the needs of different groups in the community. It goes on to state that local planning authorities should identify the size, type, tenure and range of housing that is required in different locations. In accordance with these requirements, the Council has adopted development management policy guidance on "Provision of a Mix of Housing (June 2018)".

The housing proposed in the current planning application comprises: 20.7% 1 bedroom apartments, 44.8% 2 bedroom apartments / dwellings and 34.5% 3 bedroom houses. The housing mix requirements are: 30-35% 1 bedroom properties, 25-30% two bedroom properties, 30 - 35% three bedroom properties and 5-10% four bedroom properties.

Given the constraints of the site, it is considered that this represents a reasonable mix of dwellings when compared against the Council's guidance. Furthermore, this is for a solely affordable housing scheme which the Council's Housing Team have not objected to. The Housing Team note that as the current scheme is going to be 100% affordable and they recognise that there will be a need for flexibility around our standard requirements, particularly given the constraints on the site.

Therefore the proposals are considered to be in accordance with the NPPF and Local Plan policy H4.

Affordable housing and section 106 contributions

The proposed development of 29 dwellings would create additional demand for local services and to mitigate this, contributions towards community facilities would be required.

This is a proposal for 100% affordable housing. If the application were being recommended for approval, all of the affordable housing would need to be secured in perpetuity as such through a planning condition.

Having considered the available evidence, the contributions are considered to be in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010. A development of 29 dwellings on this site would have a material impact on or need for education, open space, health care, sports facilities, monitoring costs, and employment/training for locals and highway matters.

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

The necessary contributions identified could be secured through an appropriate Section 106 Legal Agreement. At the time of writing, the following requests have been received:

- Outdoor sports facilities – £2,083 towards the improvement of outdoor artificial sports facilities and £9,028 towards the improvement of grass pitches.
- Indoor sports facilities – £23,256
- Highway infrastructure – £15,000 towards a sustainable cycle scheme on Coventry Road.
- Education facilities - £97,015
- Sustainable travel packs – £290
- Road safety initiatives - £1,450
- Public open space – £145,080 towards the improvement of local open spaces.
- Affordable housing – 100%
- Monitoring fee - £3,171.20

The offsite mitigation cost for the lack of amenity area serving the flats would also be secured by the Section 106 agreement, which would be £64,728. The calculation for this is made on the basis of the contribution rates set out in the Council's adopted SPD for Public Open Space.

Whilst the applicant has verbally agreed to the above costs, there has been no Section 106 agreement drawn up to secure these matters. Therefore, as the contributions have not been secured, the development could lead to an unacceptable impact on local services. This is considered to be contrary to Local Plan policies DM1 and HS4.

Open Space

The additional residents brought into the area by this application will put more pressure upon existing open space, both in the locality and the wider district in relation to destination parks. There is no open space provided within the site boundaries and owing to the constrained nature of the site, this would not be possible. As set out in HS4 of the Local Plan, a contribution is therefore required in order to mitigate the impact of this additional use. The contribution rates are set out in the subsequent 'Open Space Supplementary Planning Document'.

The Council's Open Space team identify that the required contribution would be £145,080. This would be put toward the development objectives of Priory Park in Warwick, relating specifically to path and signage improvements.

Priory Park scored only 'average' in a number of aspects in the latest Parks Audit (2019). The Green Space Strategy sets out the objective of having our public open spaces rated as 'good' or better by 2026.

As stated above, as a Section 106 agreement has not been agreed, this means that the financial contribution requested by Open Space is not secured. The development is therefore contrary to Local Plan policy HS4.

Impact on trees

There are no existing trees of value within the site as evidenced within the Arboricultural Report. However, the majority of the street trees on Nelsons Lane are to be protected, and there are opportunities within the proposed layout to incorporate some new planting to mitigate for the loss of trees.

The Canal and River Trust welcome the fact that the trees to the north east boundary will be protected, but request that Officers consider whether there would be increased pressure for their removal as a result of the proposed development. The Tree Officer has been consulted and has no objection to the proposal, subject to the tree protection measures being implemented in accordance with the tree report submitted. He raises no concern in relation to pressure to remove the trees from new residential properties.

It is therefore considered that adequate tree protection measures could be secured by condition.

Drainage and flood risk

The application site is located within Flood Zone 1. The Local Lead Flood Authority have no objection to the proposed development, subject to conditions. These could be added if the application were being approved.

The Environment Agency also have no objection to the proposal, subject to conditions.

The proposal is considered to be in accordance with Local Plan policies FW1 and FW2. A condition could be added for compliance with Local Plan policy FW3.

Ecological impact

A Preliminary Ecological Appraisal and Bat Survey were submitted with the application. The County Ecologist has accepted the findings of the Ecological Appraisal and Bat Survey and has advised that any ecological issues can be dealt with by conditions and advisory notes. Therefore it has been concluded that the proposals would have an acceptable ecological impact.

The development is considered to be in accordance with Local Plan policy NE2.

Other matters

Environmental Health Officers advise that a condition should be attached for the provision of a contaminated land survey. This is considered to be reasonable and necessary, and could be added if the application were being approved.

Warwick District Council has adopted an Air Quality Supplementary Planning Document (SPD). The SPD establishes the principle of Warwick District as an emission reduction area and requires developers to use reasonable endeavours to minimise emissions and, where necessary, offset the impact of development on the environment. The guidance sets out a range of locally specific measures to be

used to minimise and/or offset the emissions from new development, however these are suggestions and other innovative ideas are encouraged. This mitigation could be secured by condition if the application were being approved.

The Canal and River Trust also request that if the development were allowed, that a condition was attached for the provision of a method statement for the construction of plots 1 - 20 inclusive, to ensure that the works did not have a detrimental impact on the stability and structural integrity of the canal. This is considered to be reasonable and could be added if the application were being approved.

Members of the public query how can safe passage along the towpath be achieved. However, the towpath is outside of the ownership of the applicant and therefore this is not a matter for consideration of this application.

CONCLUSION

There are material planning benefits identified as a result of the proposed development, including the provision of 29 affordable housing units, and provision of economic benefits such as employment opportunities and increased spending from future residents within the District. Members of the public consider that the site has been vacant and out of use for a few years, leading to deterioration and degradation of the area, impacting local residents as it creates an unappealing and neglected feel to the area. They consider that the plans would create much-needed regeneration, investment and improve the look of the whole road to become more attractive and useful. Supporters also state that the development supports the desire for the areas around our canals to be improved through regeneration and investment. The scheme is of a sensible size, fitting in well, that will enhance the surrounding area.

Conversely, Officers identify that the level of amenity for the future occupiers of parts of the development is poor and could be adequately mitigated if the number of units were reduced. The proposed garden sizes alone are sufficiently substandard which would warrant reason for refusal. However, this combined with the fact that some of the occupiers would then be subject unacceptable noise disruption, further emphasises the harm caused. This also could preclude a lawful business from operating through noise complaints to the Council. Officers consider that the delivery of affordable housing should not be at the cost of acceptable living conditions. Officers also have concerns that approving such substandard living conditions could set a harmful precedent for future housing development more widely.

Therefore, on balance, it is not considered that the provision of 29 affordable housing units outweighs the substandard living conditions provided by the proposed development. It is recommended that planning permission is refused on this basis.

REFUSAL REASONS

- 1 Policy BE3 of the Warwick District Local Plan 2011-2029 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development.

It is likely that an existing neighbouring industrial use would cause undue adverse noise disturbance for the future occupiers of four of the proposed properties. Furthermore, this is exacerbated by substandard garden sizes provided for six of the dwellings. Plot 16 is most severely affected by the substandard conditions provided as they are likely to be impacted by noise disturbance from the boat yard and have a substandard sized private amenity area. It should also be noted that the gardens serving plots 1 - 4 and 18 - 20 would not be completely "private" as required by the Residential Design Guide as they benefit from railings along the rear boundary which allows views in from passers by along the canal.

It is not considered that the adverse noise impacts have been reduced to a minimum as required by paragraph 180 of the NPPF.

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

- 2 Paragraph 182 of the NPPF states that planning policies and decisions should ensure that new development can be integrated effectively with existing businesses. Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

It has not been demonstrated that the proposal would not lead to unreasonable restrictions being placed on an existing business adjacent to the application site as a result of legitimate noise complaints which would likely be generated by the future occupiers of the development owing to the proximity of the proposed dwellings to an industrial activity.

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

- 3 The application proposes the erection of a significant number of new dwellings and this would place significant pressure on local services. A development of this size would require significant additional capacity in terms of highways improvements, need for sustainable travel packs and road safety initiatives, education facilities, open space and indoor and outdoor sports facilities. No Unilateral Undertaking or Section 106

agreement has been submitted to secure contributions towards these facilities. Therefore, in the opinion of the Local Planning Authority, the application makes insufficient provision for the increased capacity in local services that will be required to serve the proposed development.

The proposal is therefore considered to be contrary to the Policies HS4 and DM1 of the Warwick District Local Plan 2011 - 2029.

Planning Committee: 03 March 2020

Item Number: 8

Application No: [W 19 / 1985](#)

Town/Parish Council: Cubbington

Case Officer: Rebecca Compton

01926 456544 rebecca.compton@warwickdc.gov.uk

Registration Date: 22/11/19

Expiry Date: 17/01/20

44-46 Queen Street, Cubbington, Leamington Spa, CV32 7NA

Erection of 1no. front and 1no. rear dormer windows and installation of a second floor side facing window to facilitate loft conversion FOR Mr G Khera

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The proposal is for the erection of a front facing dormer, one rear facing dormer and the installation of a second floor side facing window to facilitate a loft conversion. The dormers have been designed to match the existing dormers to the building.

THE SITE AND ITS LOCATION

The application site is an upper floor flat located above the Post Office on Queen Street, Cubbington. The site benefits from off road parking to the rear of the building, accessed off Hillcrest.

PLANNING HISTORY

None relevant.

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- BE1 - Layout and Design
- BE3 - Amenity
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

Cubbington Parish Council: Object on grounds that the proposal does not provide sufficient parking and there are concerns that the property could be converted into a HMO.

WCC Ecology: Recommend notes relating to bats and birds as protected species.

Public Response: One letter of no objection has been received from a neighbouring property on the proviso that the proposed dormer is in keeping with the existing one at No.44.

ASSESSMENT

Design and impact on the street scene

The proposed dormers are considered of an acceptable design for the area and are of a design and scale to match the existing dormers on the building. There are a number of dormers in the immediate street scene and together with the existing dormers to the building, it is considered that the proposal would not result in an incongruous feature in the street scene and would be acceptable. The proposal is considered to comply with Policy BE1.

Impact on the amenity of neighbouring properties

The proposed front and rear dormers would not result in an unacceptable level of impact to any neighbouring property in terms of loss of light or outlook. The rear facing dormer would not provide views into the private amenity space of the nearest neighbouring property at No.2 Hillcrest. There are no other nearby neighbouring properties that would be impacted by the proposed rear dormer. The proposed front dormer would provide views over the public car park to the front of the site and would not present any impact on the neighbouring properties along Queen Street in terms of loss of privacy. It is also important to note that the adjoining upper floor flat benefits from front and rear dormers and so the impact of the proposed dormers would be no greater than the existing.

The proposed second floor side facing window will serve a bathroom. While the existing property already benefits from a clear glazed window at first floor and the neighbouring property opposite the site at No.48 Queen Street also benefits from clear glazed side facing windows at first and second floor, Officers consider that it would be appropriate to add a condition requiring the proposed window to be obscure glazed in the interests of privacy and the provision of adequate living conditions.

The proposal is considered to comply with Policy BE3.

Parking

The existing property is a two bedroomed flat and is required to provide 2 off street parking spaces in accordance with the adopted Parking Standards SPD. The proposal will increase the number of bedrooms to 4 and the requirement for

parking will increase to 3 off road parking spaces. The Parish Council has objected on the grounds that there is insufficient parking provided at the site.

This concern is noted, however, the existing property benefits from off street parking to the rear of the building which has sufficient space to accommodate 3 off road parking spaces. The proposal is therefore considered to comply with Local Plan Policy TR3 and the adopted Parking Standards SPD.

Other matters

The Parish Council's objection regarding the property potentially being converted into a HMO is noted. However, this does not form part of the proposal under the current application and we can only assess the proposal before us. In any case, it should be noted that such a change of use would be permitted under the Town and Country Planning (Use Classes) Order 1987 (as amended) and would therefore not require planning permission. It should also be noted that the parking standards for a 4 bed HMO would be less than a 4 bed single dwellinghouse.

Conclusion

The proposed dormers are of an acceptable design in the context of the street scene and would not present an unacceptable level of amenity to the neighbouring properties in terms of light, outlook and privacy. Furthermore, the proposal provides sufficient parking to the rear of the building in accordance with the adopted standards.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 1434-0500-01, and specification contained therein, submitted on 22nd November 2019, except as required by condition 4 below. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029.
- 4 Notwithstanding the details shown on the approved drawings, the second floor side facing window hereby permitted shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the

features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed window(s) shall be retained and maintained in that condition at all times. **REASON:** To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029.

Application No: [W 19 / 1987](#)

Town/Parish Council: Stoneleigh
Case Officer: Jonathan Gentry

Registration Date: 09/12/19

Expiry Date: 03/02/20

01926 456541 jonathan.gentry@warwickdc.gov.uk

The Pheantry, Grovehurst Park, Stoneleigh, Kenilworth, CV8 2XR

Erection of single storey courtyard extension to kitchen & enlarged dormer to bedroom. FOR Mrs Penelope Besson

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

RECOMMENDATION

Planning Committee is recommended to refuse planning permission.

DETAILS OF THE DEVELOPMENT

Planning permission is sought for the proposed erection of a single storey courtyard extension to kitchen and an enlarged dormer to bedroom.

THE SITE AND ITS LOCATION

The Pheantry is a Grade II listed two-storey red brick house (listed as Kennel Keeper's House) built circa 18th century. The building forms part of a former kennels complex within the historic Stoneleigh Abbey estate and is located within the Grade II* listed Stoneleigh Abbey Park and Garden. The rectangular-plan house has a rear wing projecting from the east elevation, and whilst this was reportedly constructed in the 1990s map regression shows that formerly there was a historic wing in the same location and to a similar footprint as the existing wing. Neighbouring Keepers Lodge is the only immediately adjacent property, sited to the east of the Pheantry. Broadford House lies some distance to the south. The site is washed over by the Green Belt.

PLANNING HISTORY

W/94/0319 - Erection of six dwellings with garages; refurbishment of Keepers Lodge, Mary Lodge and The Pheantry including partial demolition, internal and external alterations and extensions, together with provision of garaging; construction of a new access road, Kennels Cottages and Kennels building to be retained and repaired. - Granted

W/12/0723/LB - Installation of new ventilation grille, rainwater goods and replacement skirting board to garden room - Granted

W/19/1988/LB - Erection of single storey courtyard extension to kitchen & enlarged dormer to bedroom.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- BE1 - Layout and Design
- BE3 - Amenity
- HE1 - Protection of Statutory Heritage Assets
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- DS18 - Green Belt
- H14 - Extensions to Dwellings in the Open Countryside

Guidance Documents

- Residential Design Guide (Supplementary Planning Document- May 2018)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

Stoneleigh and Ashow Parish Council - Members support the application.

Natural England - No comment.

The Gardens Trust - No comment.

WCC Ecological Services - Recommend advisory notes relating to bats and nesting birds attached to any grant of consent.

ASSESSMENT

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

The main issue in the consideration of this application is whether the proposal constitutes appropriate development in the Green Belt and, if not, whether there are any very special circumstances which outweigh the harm by reason of inappropriateness and other harm identified.

Paragraph 134 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of green belts being their openness and their permanence.

Paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 144 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the green belt and Very Special Circumstances will not exist unless the potential harm to the green belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Paragraph 145 includes a list of forms of development which are not inappropriate provided they preserve openness and do not conflict with the purposes of including land in the green belt. This includes extensions or alterations that are not disproportionate additions over and above the size of the original building.

Policy DS18 of the Warwick District Local Plan 2011-2029 states that the Council will apply Green Belt policy in accordance with government guidance as set out in national policy, although the definition of what may be held to constitute a disproportionate addition is further explained under the Policy H14 relating to extensions in open countryside.

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

The Pheasantry is characterised by a two storey rectangular form, with single storey wing to its rear. The wing as it currently stands was granted consent in 1994 under application W/94/0319 for wider works within Grovehurst Park. Prior to this, a smaller historic wing was in place to the same position. It is calculated that the original property (as it stood on 1st July 1948) had a gross floor area of approximately 206.5sq m. The addition of an enlarged wing alongside smaller conservatory additions dictates at current, the floor area is approximately 244.5sq m, an increase of 38sq m, or 18%. The proposed addition of a single storey courtyard extension would add approximately 25sq m to the overall area, resulting in an increase totalling 30.5%. In line with the noted policy this increase is viewed to represent the largest possible addition to the property that can be considered proportionate.

In view of the above, it is concluded that the overall works constitute appropriate development within the Green Belt in accordance with the aforementioned policies.

Design and impact on the Listed building

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

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

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

Policy HE1 of the Warwick District Local Plan states that development will not be permitted if it would lead to substantial harm to or total loss of the significance of a designated heritage asset, unless it is demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss, or if criteria listed within the policy have been satisfied. Where development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimum viable use.

The Conservation Officer has provided detailed feedback on the proposed additions, raising objection to the scale and design of the proposals, which was shared by officers. The proposed addition of a flat roofed box dormer to the wing extension is considered an inappropriate addition to the Listed Building, noting that the existing dormer to be replaced has been designed sensitively to accord with design characteristics of the original property. The significantly increased size of the proposed feature, alongside the detailed facing materials are viewed to exacerbate this issue. Overall this is viewed a proposal that fails to accord with Residential Design Guidance on dormers or the historical architectural context of the application site.

The primary element of the application comprises a single storey extension. This element would extend to the north from the existing wing into a modest courtyard space, enclosed the property to the south and west, and by tall boundary walls to the north and east. The existing modern wing is of a scale and design that is subservient and sympathetic to the historic character and appearance of the listed building. Its construction maintained the small enclosed courtyard space formed by the building and the historic boundary walls that separated the Keeper's House from the kennels and exercise areas to the north and east. The existing courtyard contributes to the setting and the significance of the listed building and to that of the existing group of historic kennels buildings and associated structures.

The proposed extension would significantly reduce remaining outdoor courtyard area, effectively filling this space with a contemporary addition to the property. It is viewed that an addition of this nature is inappropriate in principle, owing to its harmful impact on the immediate setting of the listed building, notably compromising the historic courtyard area. While the addition would not be visible from a public viewpoint, the identified harm to the setting of the listed building remains a material issue. In addition, the submitted scheme proposes a fibreglass/rubber roof covering and red facing brick. While contemporary style additions can in some cases preserve the architectural significance of a historic structure through harmonious contrast, the materials proposed are in this case viewed to result in a structure of significant bulk and mass, that does not preserve the positive architectural characteristics of the main building.

Overall, it is considered that the proposals are incongruous with the design and setting of the listed building, detracting from its character and appearance. There is a statutory requirement through Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 that authorities should have special regard to the desirability of preserving any listed building, its setting or any features of special architectural or historic interest that it possesses.

Resultantly it is viewed that the both elements of the scheme would result in less than significant harm to the designated heritage asset of the listed building. No wider public benefits that outweigh this identified harm have been presented. In summary of the noted matters it is concluded that the proposal fails to accord with the aforementioned policy.

Impact on Neighbouring Amenity

Warwick District Local Plan Policy BE3 states that development will not be permitted where it holds an unacceptable adverse impact on the amenity of nearby uses and residents and/or does not provide acceptable standards of amenity for future users and occupiers of the development. Furthermore, the District Council has also adopted Supplementary Planning Guidance on the 45 Degree Guideline which aims to prevent any unreasonable effect on the neighbouring property by reason of loss of daylight or sunlight and by creating an unneighbourly and overbearing effect.

The proposed works would be largely hidden from the neighbouring Kennel Keepers house by tall boundary walls that form a part of the listed structure. As a result, no material harm by way of creation of an overbearing or over-dominant addition is viewed to be introduced. No breach of the councils 45 Degree Guideline would occur, and the fenestration/additional glazing proposed is not viewed to result in a material loss of amenity through the generation of overlooking or loss of privacy to neighbours on the same basis.

As a result, it is concluded that the scheme is acceptable in accordance with policy BE3.

Parking

The parking requirement or availability at the site would not change as a result of the works, and it is therefore considered that the proposed development is acceptable in accordance with Local Plan Policy TR3.

Ecology

The consultee Ecologist has noted that the application building is in good condition with no obvious gaps or missing tiles. They have therefore noted that it is not considered necessary to undertake a bat survey for this application, and have requested that bat and nesting bird notes are attached to any approval granted. I agree with this recommendation, and consider that the imposition of an explanatory notes regarding the applicant's responsibility with regard to the noted species would be appropriate in this instance.

In light of these considerations the proposal is considered to lie in accordance with Local Plan policy NE2.

CONCLUSION

Officers consider that the proposed development by virtue of its scale, massing, and design would result in less than substantial harm to the character and architectural significance of the Grade II Listed Pheasantry, and there are no public benefits identified that outweigh the harm.

On the basis of the above, the proposal is recommended for refusal.

REFUSAL REASONS

- 1 Policy HE1 of the Warwick District Local Plan 2011-2029 states that consent will not be granted to alter or extend a listed building where those works will adversely affect its special character or historic interest, integrity or setting.

In the opinion of the Local Planning Authority it is viewed that the proposed extensions and alterations to the Pheasantry would result in material harm to the setting and form of the heritage asset, failing to preserve its historic integrity and character. This is a result of the proposed works compromising the existing courtyard space of the site that contributes to the setting and significance of the building. It is also considered an inappropriate design and facing materials have been proposed.

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

Planning Committee: 03 March 2020

Item Number: 10

Application No: [W 19 / 1988 LB](#)

Town/Parish Council: Stoneleigh
Case Officer: Jonathan Gentry

Registration Date: 09/12/19

Expiry Date: 03/02/20

01926 456541 jonathan.gentry@warwickdc.gov.uk

The Pheantry, Grovehurst Park, Stoneleigh, Kenilworth, CV8 2XR

Erection of single storey courtyard extension to kitchen & enlarged dormer to bedroom. FOR Mrs Penelope Besson

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

RECOMMENDATION

Planning Committee is recommended to refuse Listed Building Consent.

DETAILS OF THE DEVELOPMENT

Listed Building Consent is sought for the proposed erection of a single storey courtyard extension to kitchen and an enlarged dormer to bedroom.

THE SITE AND ITS LOCATION

The Pheantry is a Grade II listed two-storey red brick house (listed as Kennel Keeper's House) built circa 18th century. The building forms part of a former kennels complex within the historic Stoneleigh Abbey estate and is located within the Grade II* listed Stoneleigh Abbey Park and Garden. The rectangular-plan house has a rear wing projecting from the east elevation, and whilst this was reportedly constructed in the 1990s map regression shows that formerly there was a historic wing in the same location and to a similar footprint as the existing wing. Neighbouring Keepers Lodge is the only immediately adjacent property, sited to the east of the Pheantry. Broadford House lies some distance to the south. The site is washed over by the Green Belt.

PLANNING HISTORY

W/94/0319 - Erection of six dwellings with garages; refurbishment of Keepers Lodge, Mary Lodge and The Pheantry including partial demolition, internal and external alterations and extensions, together with provision of garaging; construction of a new access road, Kennels Cottages and Kennels building to be retained and repaired. - Granted

W/12/0723/LB - Installation of new ventilation grille, rainwater goods and replacement skirting board to garden room - Granted

W/19/1988/LB - Erection of single storey courtyard extension to kitchen & enlarged dormer to bedroom.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- HE1 - Protection of Statutory Heritage Assets

SUMMARY OF REPRESENTATIONS

Stoneleigh and Ashow Parish Council - Members support the application.

Natural England - No comment.

The Gardens Trust - No comment.

WCC Ecological Services - Recommend advisory notes relating to bats and nesting birds attached to any grant of consent.

ASSESSMENT

Design and impact on the Listed building

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

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

Policy HE1 of the Warwick District Local Plan states that development will not be permitted if it would lead to substantial harm to or total loss of the significance of a designated heritage asset, unless it is demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss, or if criteria listed within the policy have been satisfied. Where development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimum viable use.

The Conservation Officer has provided detailed feedback on the proposed additions, raising objection to the scale and design of the proposals, which was

shared by officers. The proposed addition of a flat roofed box dormer to the wing extension is considered an inappropriate addition to the Listed Building, noting that the existing dormer to be replaced has been designed sensitively to accord with design characteristics of the original property. The significantly increased size of the proposed feature, alongside the detailed facing materials are viewed to exacerbate this issue. Overall this is viewed a proposal that fails to accord with Residential Design Guidance on dormers or the historical architectural context of the application site.

The primary element of the application comprises a single storey extension. This element would extend to the north from the existing wing into a modest courtyard space, enclosed the property to the south and west, and by tall boundary walls to the north and east. The existing modern wing is of a scale and design that is subservient and sympathetic to the historic character and appearance of the listed building. Its construction maintained the small enclosed courtyard space formed by the building and the historic boundary walls that separated the Keeper's House from the kennels and exercise areas to the north and east. The existing courtyard contributes to the setting and the significance of the listed building and to that of the existing group of historic kennels buildings and associated structures.

The proposed extension would significantly reduce remaining outdoor courtyard area, effectively filling this space with a contemporary addition to the property. It is viewed that an addition of this nature is inappropriate in principle, owing to its harmful impact on the immediate setting of the listed building, notably compromising the historic courtyard area. While the addition would not be visible from a public viewpoint, the identified harm to the setting of the listed building remains a material issue. In addition, the submitted scheme proposes a fibreglass/rubber roof covering and red facing brick. While contemporary style additions can in some cases preserve the architectural significance of a historic structure through harmonious contrast, the materials proposed are in this case viewed to result in a structure of significant bulk and mass, that does not preserve the positive architectural characteristics of the main building.

Overall, it is considered that the proposals are incongruous with the design and setting of the listed building, detracting from its character and appearance. There is a statutory requirement through Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 that authorities should have special regard to the desirability of preserving any listed building, its setting or any features of special architectural or historic interest that it possesses.

Resultantly it is viewed that the both elements of the scheme would result in less than significant harm to the designated heritage asset of the listed building. No wider public benefits that outweigh this identified harm have been presented. In summary of the noted matters it is concluded that the proposal fails to accord with the aforementioned policy.

CONCLUSION

The proposed development by virtue of its scale, massing, and design would result in less than substantial harm to the character and architectural significance of the

Grade II Listed Pheasantry, and there are no public benefits identified that outweigh the harm.

On the basis of the above, the proposal is recommended for refusal.

REFUSAL REASONS

- 1 Policy HE1 of the Warwick District Local Plan 2011-2029 states that consent will not be granted to alter or extend a listed building where those works will adversely affect its special character or historic interest, integrity or setting.

In the opinion of the Local Planning Authority it is viewed that the proposed extensions and alterations to the Pheasantry would result in material harm to the setting and form of the heritage asset, failing to preserve its historic integrity and character. This is a result of the proposed works compromising the existing courtyard space of the site that contributes to the setting and significance of the building. It is also considered an inappropriate design and facing materials have been proposed.

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

Planning Committee: 03 March 2020

Item Number: 11

Application No: [W 19 / 2128](#)

Town/Parish Council: Bubbenhall

Case Officer: Rebecca Compton

01926 456544 rebecca.compton@warwickdc.gov.uk

Registration Date: 05/12/19

Expiry Date: 30/01/20

Intwood, Leamington Road, Bubbenhall, Coventry, CV8 3BP

Erection of a replacement dwelling FOR Mr. Jim White

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

RECOMMENDATION

Committee are recommended to grant planning permission.

PLANNING HISTORY

None relevant.

KEY ISSUES

The Site and its Location

The site is located off Leamington Road, Bubbenhall and is washed over by Green Belt. The site consists of a two storey detached property and outbuildings and benefits from a large driveway to the front of the property.

Details of the Development

The application is seeking permission for the replacement of the existing dwelling in the same position as the existing dwelling and will retain the driveway parking and access off Leamington Road.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- BE1 - Layout and Design
- BE3 - Amenity
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- DS18 - Green Belt
- H13 - Replacement Dwellings in the Open Countryside

- FW3 - Water Conservation
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)

Guidance Documents

- Residential Design Guide (Supplementary Planning Document- May 2018)
- Parking Standards (Supplementary Planning Document)

Neighbourhood Plan

- Baginton & Bubbenhall Neighbourhood Plan 2018-2029

SUMMARY OF REPRESENTATIONS

Bubbenhall Parish Council: Raised no objection to the proposal initially but have raised concerns regarding the loss of trees to the frontage.

WCC Ecology: Raised no objection subject to a condition requiring additional bat surveys and mitigation method statement and informative notes relating to amphibians, reptiles and nesting birds. Also recommended tree protection measures during construction.

WCC Highways: No objection.

Public response: One letter of objection has been received from the neighbouring property with concerns regarding loss of trees, noise from the air source heat pumps and loss of privacy.

ASSESSMENT

Principle of development

As the site lies within the West Midlands Green Belt, the proposal must be assessed against Policy DS18 of the Local Plan. The policy states development must be in accordance with the National Planning Policy Framework (NPPF) Green Belt provisions. Paragraph 145 states that replacement dwellings are appropriate development within the Green Belt where the new building is in the same use and not materially larger than the one it replaces.

The new dwelling has been calculated as being 5% larger in terms of volume than the one it is replacing which is considered to be an acceptable level that is not materially larger. Whilst there would be an increase in total floor area, the existing built development is spread across the site with a number of single storey extensions. The proposal seeks to consolidate all the floor area into one two storey dwelling and so the footprint of the building will be greatly reduced. It is also noted that the height of the new dwelling will be lower than the existing and the eaves height of the new dwelling will be lower than the existing. Taking all these matters into consideration, it is considered that the increase in volume

of 5% would not result in a building that is materially larger in this particular case. As such the replacement dwelling is considered to be appropriate development in the Green Belt and in accordance with Policy DS18 and the NPPF.

Impact on the openness of the Green Belt

Whilst the replacement dwelling is considered to be appropriate development within the Green Belt, an assessment of the impact on the openness of the Green Belt is also required.

The replacement dwelling has been sited on a similar footprint to the existing building with the main differences being the replacement is more compact and has more development at two storey whereas the existing dwelling has a sprawled footprint with a number of single storey extensions spreading across the site. The replacement has incorporated these in the dwelling so it is a more traditional shape and has a lower ridge and eaves height compared to the existing building. Although the design has more floor area at two storey compared to the existing property, that is not considered to have an adverse impact on the openness of the Green Belt.

Impact on adjacent properties and amenity of future occupiers

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

The nearest neighbouring property is at Daleholme which sits immediately adjacent to the application site to the south, there are other properties located to the north and east of the site however they are situated over 100m from the proposed dwelling and so will not be impacted by the development in terms of amenity. The proposed dwelling will not breach the Council's adopted 45° line when taken from the nearest windows at both first and ground floor serving Daleholme. There are no first floor side facing windows in the new dwelling and so the proposal will not result in any overlooking opportunities into the neighbouring property.

A concern has been raised by the immediate neighbouring property regarding potential overlooking from their property into the new dwelling, this concern is noted however given that the replacement dwelling will be situated in the same position as the existing dwelling, the location is considered acceptable and would present no further privacy issues than what currently exists.

The new dwelling benefits from a large rear garden that exceeds the Council's adopted standard of 60sqm of private amenity space for a 4 bedroomed property. The new dwelling will also provide an acceptable level of light and outlook to all habitable rooms.

The proposal is overall considered to be acceptable in terms of neighbouring amenity and that of the future occupiers of the dwellings in accordance with Policy BE3.

Access and Parking

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

The scheme proposes to retain the existing access off Leamington Road and the current driveway parking to the front and side of the building that can easily accommodate 3 off road parking spaces as required by the adopted Parking Standards. County Highways were consulted on the application and raised no objection to the proposal.

Based on the above officers are satisfied the proposal will not have an adverse impact on highway safety and provides adequate parking having regard to Policy TR1 and TR3.

Trees

The Parish Council have objected to the proposal due to the loss of two trees to the front of the site that were removed following the submission of the planning application and prior to the determination of the application. Whilst this concern is understood, as the trees did not form part of the proposal for the new dwelling and were not protected trees, the removal of the trees did not require planning permission and so there has been no breach of planning control.

An objection has also been received from a neighbouring property regarding the loss of trees.

Neighbourhood Plan

The proposal is considered to comply with policy BUB1 of the Baginton and Bubbenhall Neighbourhood Development Plan 2018-2029.

Other Matters

Ecology

The County Ecologist has recommended that conditions be attached relating to demolition works on site being carried out in the presence of an ecologist together with other additional surveys and protection measures. Given these recommendations and the rural nature of the site I consider that these are reasonable requests and will ensure the suggested conditions are attached.

The County Ecologist also recommended tree protection measures for the trees to be retained, following their response the trees have been removed as stated earlier and so this condition is not considered appropriate.

On the basis of the above, I consider that protected species will not be adversely affected by the proposal subject to the suggested conditions.

Air source heat pump

A concern has been raised by the neighbouring property regarding potential noise from the air source heat exchanger unit that is proposed, the elevations plan shows the location of the unit on the northern side of the new dwelling and so is positioned at the furthest point away from the nearest neighbouring property. The air source heat pump has been suitably located to limit any noise and disturbance to the neighbouring property however a condition limiting the noise from this unit is considered appropriate.

Water Efficiency

A condition to ensure compliance with Policy FW3 will be added to any approval granted.

Conclusion

The proposed replacement dwelling is considered appropriate development in the Green Belt both in terms of its size and the impact on openness, the new dwelling would have an acceptable level of impact to the amenity of the neighbouring properties and the future occupiers and provides adequate parking in accordance with the adopted standards.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 5241/11, 5241/13, 5241/14, and specification contained therein, submitted on 05th December 2019. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

- 3 No development (including demolition) shall commence unless and until a survey for the presence of bats has been carried out by a suitably qualified surveyor, and has been submitted to and approved in writing by the local planning authority. Should the presence of bats be found then no demolition shall take place until full details of measures for bat migration and conservation have been submitted to and approved by the local planning authority. These measures should include: a) inspection of existing buildings on site not more than 28 days/one calendar month prior to their demolition to determine presence or absence of roosting or hibernating bats; b) no building containing bats shall be demolished until bats have been safely excluded using measures as have been previously submitted to and approved in writing by the local planning authority; c) provision of a new bat roost/hibernacula constructed to a design and in a location previously approved in writing by the local planning authority; d) provision of new bat roost/hibernacula within new construction; e) provision of an area of buffer/habitat around the new bat roost/hibernacula, details of the buffer to be submitted to and approved in writing by the local planning authority; f) retention of hedgerows identified as being important for foraging bats within the development site, details of the location of hedges to be submitted to and approved in writing by the local planning authority; g) provision for the management in perpetuity of the buffer habitat, hedgerows used for foraging and the new bat roost/hibernacula. The works shall be implemented in strict accordance with the approved details and timing of works. **REASON:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029.
- 4 Noise arising from the air source heat pump hereby permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **REASON:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.
- 5 The development hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved has been submitted to and approved in writing by the Local Planning Authority. No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit in strict accordance with the approved details and thereafter the

works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **REASON:** To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policy FW3 of the Warwick District Local Plan 2011-2029
