

Planning Committee

Tuesday 23 May 2017

A meeting of the above Committee will be held at the Town Hall, Royal Leamington Spa on Tuesday 23 May 2017 at 6.00pm.

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

Emergency Procedure

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

Agenda

Part A – General

1. Apologies and Substitutes

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

2. Appointment of Chairman

To appoint the Chairman of the Committee for the ensuing municipal year.

3. Appointment of Vice-Chairman

To appoint the Vice-Chairman of the Committee for the ensuing municipal year.

4. 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.

5. **Site Visits**

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

6. **Minutes**

- (a) To confirm the minutes of the Planning Committee of 25 April 2017. **(To follow)**
- (b) To confirm the minutes of the Planning Committee of 26 April 2017. **(To follow)**

Part B – Planning Applications

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

7. **W/16/2080 – Fairfield, Old Warwick Road, Lapworth, Solihull** **(Pages 1 to 9)**
8. **W/16/1788 – 135 Warwick Road (including rear builders yard), Kenilworth** **(Pages 1 to 9)**
- ** Major Application****
9. **W/16/2271 – Woodside, Spinney Hill, Warwick** **(Pages 1 to 16)**
- ** Major Application****
10. **W/17/0039 – Grove Farm, Harbury Lane, Bishop’s Tachbrook, Royal Leamington Spa** **(Pages 1 to 12)**
- ** Major Application****
11. **W/17/0231 – The Barn, Camp Hill Farm, Kites Nest Lane, Beausale** **(Pages 1 to 4)**
12. **W/17/0741 LB – 33 Bridge End, Warwick** **(Pages 1 to 4)**

Please note:

- (a) the background papers relating to reports on planning applications are open to public inspection under Section 100D of the Local Government Act 1972 and consist of all written responses to consultations made by the Local Planning Authority in connection with the planning applications referred to in the reports, the County Structure Plan Local Plans and Warwick District Council approved policy documents.
- (b) all items have a designated Case Officer and any queries concerning those items should be directed to that Officer.
- (c) in accordance with Council’s Public Speaking Procedure, members of the public can address the Planning Committee on any of the planning applications or Tree Preservation Order reports being put before the Committee. If you wish to do so, please call 01926 456114 (Monday to Thursday 8:00am to 7:00pm, Friday 8:00am to 6:00pm and Saturday 9:00am to 1pm) or email committee@warwickdc.gov.uk, anytime after the publication of this agenda, but

before 12 noon on the working day before the day of the meeting and you will be advised of the procedure.

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

Published Monday 15 May 2017

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

Telephone: 01926 456114

E-Mail: committee@warwickdc.gov.uk

For enquiries about specific reports, please contact the Case Officer named in the reports.

You can e-mail the members of the Planning Committee at

planningcommittee@warwickdc.gov.uk

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

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

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

Planning Committee: 23 May 2017

Item Number: 7

Application No: [W 16 / 2080](#)

Town/Parish Council: Lapworth

Case Officer: Lucy Hammond

01926 456534 lucy.hammond@warwickdc.gov.uk

Registration Date: 11/11/16

Expiry Date: 06/01/17

Fairfield, Old Warwick Road, Lapworth, Solihull, B94 6JZ

Erection of detached dwelling FOR Mr D Back

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

Planning permission is sought for the erection of a single dwelling along a private access road that comes off Old Warwick Road to the north of the site. The proposed dwelling would be a two storey detached building arranged in a 'T-shape' plan form and would provide four bedroom accommodation. A brick and tile construction is proposed.

THE SITE AND ITS LOCATION

The application site lies in Lapworth which is in the West Midlands Green Belt. 'Fairfield', the host dwelling, fronts Old Warwick Road, the main road to the north and this property sits within a very large plot that forms the corner of Old Warwick Road and a private access drive to the east side that serves a small number of properties to the east and south. Access for the new dwelling would be taken from the private access road to the east rather than from Old Warwick Road which would have to come through Fairfield's property.

Part of Fairfield's rear garden is already subdivided by a timber fence; this is not a recent subdivision since aerial photography dating back to 2009 confirms its presence across the site. The site is relatively overgrown at the present time and bounded on all sides by post and wire/timber fencing with an existing five bar gate in the approximate position of the proposed new access into the site. There are some trees and other vegetation within the site and around perimeter boundaries. No other constraints or landscape designations are applicable to the site.

PLANNING HISTORY

While there is some history associated with the host dwelling known as 'Fairfield' there is no direct or relevant history related to the rear section of its garden which is where the new dwelling is proposed.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- H11 - Limited Village Infill Housing Development in the Green Belt (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

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

SUMMARY OF REPRESENTATIONS

Lapworth Parish Council: Objection - concerns relating to access arrangements but advised would withdraw objection if the Highway Authority removed their objection.

WCC Highways: No objection following receipt of additional information; conditions are recommended

WCC Ecology: No objections in principle to the development; conditions and note are recommended

WCC Landscape: Objection originally raised due to lack of tree survey, which was subsequently submitted.

Inland Waterways: No objections

Environment Agency: No objections

Public Response:

A total of 13 letters of objection from 5 individual neighbouring residents have been received on the following grounds:-

- concerns related to access and highway safety
- increased flood risk within the site
- harm to the character of the rural area
- concern regarding drainage within the site
- harm to neighbouring amenity

Other non-material considerations were also raised.

ASSESSMENT

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

- Principle of development
- Impact on character and appearance of the area
- Impact on neighbouring amenity
- Parking and highway safety

The principle of development

Saved Policy RAP1 of the Warwick District Local Plan 1996-2011 relates to the direction of new housing and states that residential development will only be permitted in specified circumstances which are listed at a) to e) within the policy. The proposed development does not fall within any of those circumstances. However, as the Council does not currently have a 5 year housing land supply, policy RAP1 is considered to be out of date. Emerging Local Plan policy H1 states that housing development will be permitted in a number of specified circumstances, one of which is where the site is within a Limited Infill Village as identified within the policy and on the Policies Map. This policy is yet to be formally adopted as part of the Development Plan, and while it is at an advanced stage, it has been subject to modification by the Local Plan Inspector. As such, the policy is afforded ONLY a moderate degree of weight within the decision making process.

Lapworth is classified as a Limited Infill Village and accordingly, the principle of development is considered to be acceptable. Moreover, in accordance with

paragraph 14 of the NPPF, where the development plan is absent, silent, or relevant policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Point 2 of Policy H1 is noted which states that the development of garden land will not be permitted unless the development reinforces, or harmonises with, the established character of the street and/or locality and respects surrounding buildings in terms of scale, height, form and massing. This particular point is considered further in the following section of this report.

The site is also located within the West Midlands Green Belt so the principle of development is twofold. Notwithstanding the above, the NPPF, at paragraph 89 sets out particular forms of development that will not be considered inappropriate development in the Green Belt. One such example relates to limited infilling in villages. This is supported in emerging Policy H11, also afforded moderate weight, which relates to limited village infill housing development in the Green Belt. This policy states that such development will be permitted where the site is located within a Limited Infill Village and the following criteria are satisfied:-

1. the development is for no more than two dwellings,
2. the development comprises the infilling of a small gap fronting the public highway between an otherwise largely uninterrupted built up frontage, which is visible as part of the street scene, and
3. the site does not form an important part of the integrity of the village, the loss of which would have a harmful impact upon the local character and distinctiveness of the area.

In considering the above, it is officers' opinion that all three criteria are satisfied by the proposed development which therefore amounts to an appropriate form of development within the Green Belt.

Overall, the provision of a new single dwelling in this location is considered to be acceptable in principle subject to an assessment being made of the other relevant material planning considerations, which are considered below.

The impact on the character and appearance of the area

The private access road to the east of the application site serves six residential properties; three of these sit opposite the application site while the remaining three are arranged in an irregular row to the south of the application site. Building plots vary in size and while the overall massing of the properties to the south are broadly similar, the individual architectural form and detailing of each property differs. There is therefore no one prevailing feature that characterises the immediate surroundings. The proposed dwelling would be two storey and would have a 'T-shape' plan form. Its overall scale and mass would be broadly comparable with other neighbouring buildings and it would sit proportionately within its curtilage in the same way as Fairfield and the properties located opposite. The property would effectively be arranged in two sections, connected in the middle by a flat roof structure that would be largely glazed. The two pitched roofs on each two storey section would have the same ridge height (7.9m) which is not, in officers' opinion, overbearing or out of keeping with the surrounding built form. The connecting glazed section would have a reduced

height of 5m thus breaking up the visual massing of the building, especially as viewed from the side which would be the primary elevation that would address the private road. The walls are proposed in facing brick but large openings in the side and rear elevations would be full height glazing, again, assisting with breaking up the massing of these elevations.

Overall, the proposed dwelling is considered to be proportionately designed within its plot and the scale and mass would generally reflect the character of the surrounding properties accessed off the same private road. The proposed materials are typical of the surrounding buildings and overall, officers consider that the proposed dwelling would be visually appropriate to and sympathetic with the surrounding character of the area. It is therefore not considered that there would be any resulting visual harm to the amenities of the area. The proposals are therefore considered to comply with saved policy DP1 of the Local Plan and emerging policy H1(2) of the New Local Plan.

The impact on neighbouring amenity

Due to the position of the proposed dwelling and its oblique relationship it would share with the closest neighbouring properties it is not considered there would be any harmful impacts resulting from the development by reason of loss of light, outlook or privacy. The nearest properties surrounding the new dwelling (Fairfield, Clover Lodge and Shaftsbury House) are located 59m, 20m and 30m away respectively as measured from the nearest corner points between buildings so the required separation distances are more than exceeded. The proposed development is therefore considered to comply with saved policy DP2 of the Local Plan.

Access and parking / highway safety

No new access points are proposed from Old Warwick Road. Access for the new dwelling would instead be taken off the private road through an existing gated access that is present on site. Within the site there would be space provided for the turning of vehicles in front of the property thus enabling vehicles to leave the site in a forward gear and there would be adequate space within the site to park a number of cars. Originally the Highway Authority raised objection to the application based on the use of the existing private road which would be intensified by the development to a point considered potentially unacceptable. There was also some concern regarding the visibility splays. However, subsequent discussion has taken place between the applicant and the Highways Officer directly and this has confirmed that the existing dwelling (Fairfield) is to be served by a new access directly onto Old Warwick Road, thus retaining the same number of vehicle movements along the private road with no further intensification. Additional information was also provided demonstrating that the required visibility splays can be achieved at the access. Given therefore there would be no additional vehicle movements and the Highway Authority is now satisfied regarding the visibility, there is no longer any objection to the proposals in this regard. Accordingly, it is considered there would be no detriment to highway safety and the proposals are considered to comply with saved Policy DP6 of the Local Plan and emerging Policy TR1 of the New Local Plan.

Other Matters

Renewable energy

For this type of development proposal, and having regard to the content of the submitted Sustainable Buildings Statement, it would be appropriate to impose the standard condition relating to renewable energies to any forthcoming permission in order to satisfy Policy DP13 and the associated SPD.

Open space

Policy SC13 seeks contributions from residential (and commercial) developments to provide, improve and maintain appropriate open space, sport or recreational facilities to meet local needs. The proposed development would not make any on-site provision for open space and accordingly, having been assessed by the Open Space team, a financial contribution would be required which would be put toward the development objectives of local open spaces or toward the development of nearby destination parks as identified by the Open Space team. I therefore consider the proposal accords with SC13 and is acceptable in this regard.

Ecology

Throughout the course of the application additional information has been submitted as requested, including a tree survey in relation to the trees within the site. The County Ecologist raised one particular point in relation to a Lime tree that had the potential to support roosting bats, which was marked for removal, however, the arboricultural consultant has since confirmed that while the tree in question (T22) was recommended for removal, this was only advisory and since it could offer some ecological value, it could be retained throughout construction as it is located well away from the proposed development. It is therefore considered the development is acceptable in this regard and complies with policy DP3 of the Local Plan.

Drainage

Some concerns have been noted by neighbouring residents in relation to drainage and surface water flooding across the site. The Environment Agency was consulted about this development and raised no objections. In terms of foul drainage this would normally be a matter dealt with through the Building Regulations process in the event permission is forthcoming for the development. Officers are satisfied that the development would be acceptable in this regard.

SUMMARY/CONCLUSION

The principle of development is considered acceptable having regard to both the policies relating to the provision of rural housing and to the relevant Green Belt policy in the NPPF that cites this type of limited infill development as 'appropriate'. The proposed dwelling is considered to be in keeping and sympathetic in terms of its scale and massing and accordingly not considered to cause any visual harm to the character of the surrounding area. There would be

no harm caused to the amenity of existing residential properties around the site and there is no detriment considered to be caused to highway safety in term of the proposed access arrangements. It is considered that there would be no material harm resulting from this proposed development, which is considered to represent a sustainable form of development overall. For these reasons it is recommended that planning permission be granted subject to the following conditions and notes.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 080 rev.06, 081 rev.08, 082 rev.05, 083 rev.04 and 084 rev.04 and specification contained therein, submitted on 26 January 2017. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 Other than site clearance and preparation works no works shall commence on the construction of the development hereby permitted until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.
- 4 The development hereby permitted (including ground clearance works) shall not commence until a protected species method statement for great crested newts, reptiles, badger, nesting birds and hedgehog has been submitted to and approved in writing by the Local Planning Authority. Such approved measures shall thereafter be implemented in full. **REASON:** To ensure that protected species are not harmed by the development in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.
- 5 No works shall commence on site, including site clearance, until a combined ecological and landscaping scheme has been submitted and agreed between the applicant and the local planning authority (with advice from WCC Ecological Services). The scheme must include all aspects of landscaping including details of native planting and installation of bird and bat boxes. The agreed scheme shall be fully implemented before/during development of the site as appropriate.

REASON: To ensure that protected species are not harmed by the development in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.

6 No part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the District Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837:2012, Trees in Relation to design, demolition and construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place without the prior consent in writing of the District Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **REASON:** To protect trees and other features on site during construction in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.

7 The development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO² emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

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

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

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

REASON: To ensure the necessary infrastructure and facilities are

provided in accordance with Policy SC13 of the Warwick District Plan 1996 – 2011.

- 9 The development hereby permitted shall not be occupied unless and until the existing access to Fairfield from the private access road has been closed and an alternative access provided to the satisfaction of the Local Planning Authority in consultation with the County Highways Authority. **REASON:** In the interests of highway safety in accordance with policy DP6 of the Warwick District Local Plan 1996-2011.
- 10 The development shall not be occupied until visibility splays have been provided to the vehicle access to Warwick Road with an 'x' distance of **2.4** metres and 'y' distances of **70** metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of **0.6** metres above the level of the public highway carriageway. **REASON:** In the interests of highway safety in accordance with policy DP6 of the Warwick District Local Plan 1996-2011.

Planning Committee: 23 May 2017

Item Number: 8

Application No: W 16 / 1788

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

Registration Date: 30/09/16
Expiry Date: 30/12/16

135 Warwick Road, (including rear builders yard) Kenilworth, CV8 1HY

Variation of condition 1 on planning permission W15/0620 to allow changes to the design of the houses and apartments, the access road to the private drive, the bin store location and the parking layout. FOR Trengerren Ltd

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

RECOMMENDATION

That planning permission be granted, subject to the conditions listed

DETAILS OF THE DEVELOPMENT

Permission is sought to vary condition 1 of previously approved planning application ref. W/15/0620. This original decision approved the reserved matters pursuant to the original outline permission (W/11/1618) which approved the construction of 9no. apartments, 3no. dwellings and 3no. garages following demolition of the existing buildings on the site and condition 1 related to the approved plans associated with that decision.

The variations now sought do not alter the nature of the development, which would still be for the erection of 9no. apartments, 3no. dwellings and 3no. garages. Some minor amendments are sought to the design and elevational treatments of the apartments and dwellings together with the bin store location and the parking layout. Changes are also sought to the access arrangements; the fundamental difference now being the retention of No.135 Warwick Road which was previously given permission to be demolished to create a widened access drive into the site. Instead No. 135 would now be reduced sufficiently in width to create the necessary access drive arrangements.

THE SITE AND ITS LOCATION

The application site was previously home to a builders' storage yard, located to the east of Warwick Road. The site is situated to the rear of residential properties in Warwick Road, Clarendon Road, Grafton Close and Clarkes Avenue. The site affects part of No.135 Warwick Road, which, as set out above, is to be reduced in width but retained overall.

The builders' yard is surrounded by residential properties consisting of primarily two storey dwellings with three storey flats on Grafton Close. There are bungalows to the south-east of the site on Clarke's Avenue.

Within the builders' yard there are existing buildings (now vacant) consisting of a block of warehouse buildings on the south boundary of the site with the remaining area having previously been used for outdoor storage.

PLANNING HISTORY

W/15/0620 - Submission of all reserved matters pursuant to the original outline (W/11/1618) for 9no. apartments, 3no. dwellings and 3no. garages - Approved 16.09.2015

W/11/1618 - Outline application for the erection of 9no. apartments, 3no. dwellings and 3no. garages - Approved 04.07.2012

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- The Emerging Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- Guidance Documents
- Vehicle Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: Objection with concerns relating to access and highway/pedestrian safety.

Highway Authority: No objection subject to conditions

Public response:

A total of 16 letters of objection have been received although these are from 8 individual residents. Grounds for objection relate to:-

- access and highway safety

- concern over the intensification of the use of the access and width of drive to enable vehicles to pass one another
- concern about pedestrian safety near the access
- concern about sufficient parking
- increased noise to neighbouring properties during construction

Other non-material considerations were also raised.

ASSESSMENT

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

- access and highway safety
- parking
- impact on character of area
- impact on neighbouring amenity

The Principle of the Development

This application is made under section 73 of the Town and Country Planning Act 1990 that relates to the determination of applications to develop land without compliance with conditions subject to which a previous planning permission was granted, subject to the revised/new conditions meeting the requirements of 'Use of Planning Conditions' (ID: 21a Updated 06.03.2014) of the PPG.

In deciding an application under Section 73, the Local Planning Authority must only consider the disputed condition that is the subject of the application – it is not a complete re-consideration of the application (PPG Paragraph 031 Reference ID: 21a-031-20140306). In this case the applicant is seeking a variation to the wording of a condition through the use of a Section 73 application (PPG Paragraph 13 Reference ID: 17a-013-20140306).

On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—

(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and

(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

This application relates specifically to the variation of Condition 1 of planning permission W/14/0620, which relates to the approved plans in accordance with which the development should be approved. The condition states;

"The development hereby permitted shall be carried strictly in accordance with the details shown on the site location plan and approved drawings 23560-0; 2356-17; 2356-03 Rev A; 2356-08 Rev B; 2356-09 Rev A; 2356-04, and

*specification contained therein, submitted on 13th May 2015; approved drawings 2356-02 Rev B; 2356-07 Rev C; 2356-19 Rev A and 2356-20, and specification contained therein, submitted on 3rd August 2015; approved drawing 2356-01.1 Rev K and specification contained therein, submitted on the 11th August 2015 and approved drawings 2356-10 Rev C and 2356-LA01 Rev A and specification contained therein, submitted on the 7th September 2015. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011."*

The suggested wording for the condition, as varied, is:

*"The development hereby permitted shall be carried strictly in accordance with the details shown on the site location plan and approved drawings T373-002 Rev A and T373-004 and specification contained therein, submitted on 30 September 2016 and T373-001 Rev C and T373-003 Rev B and specification contained therein, submitted on 15 March 2017. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011."*

The previously approved permission is extant and there is no requirement to re-assess the principle of development through a Section 73 application. It is therefore intended to address the key issues of highway safety and parking, visual impacts and impact on neighbouring amenity together with any other relevant matters in this report.

Access and highway safety

The key issue with these revised proposals relates to the access arrangements into the site. Previously, the approved scheme involved the complete demolition of No.135 Warwick Road and this would have facilitated a 5m wide access drive into the site off Warwick Road. The proposals, as revised in this S.73 application, now include the retention of No.135 and in order to satisfy the requirements of the County Highways Authority, it is proposed to demolish a part of No.135, i.e. its porch and approximately a metre off the width adjacent to the access drive and this would enable a width of 5.5m at the entrance for the required distance as per the Highways Authority's specifications. The drive would then narrow to 4.5m in width, further into the site, but it is proposed as a private road which is not to be adopted and this width, this far back into the site, is acceptable in the opinion of the Highways Authority.

The access arrangements for this development have been the main source of concern among local residents and the Town Council and it is noted that the Highways Authority originally raised objection to the submitted plans. However, a meeting was held on site between the applicant, an officer from the County Highways Authority and an officer from the Local Planning Authority and in response to further advice from the Highways Authority regarding the minimum requirements for access widths and lengths, the applicant submitted revised plans and additional information to demonstrate the necessary vehicle tracking and turning, particularly in relation to the junction of the access to the Warwick Road. On receipt of this additional/revised information, the Highways Authority provided updated comments, which stated that "*since the applicant wishes the*

internal road layout to remain in private ownership, the Highways Authority must only consider the part of the access that connects directly with the public highway. The scheme as shown therefore complies with the minimum width requirement of 5m."

No objection is raised to the revised proposals by the Highways Authority and two conditions are recommended in the event permission is forthcoming. These relate to the provision of the access as illustrated in the revised plans and the provision of suitable parking and turning space within the site; both of these conditions would need to be adhered to prior to the first occupation of any part of the development.

The objections received from the Town Council and neighbouring residents have been noted and the concerns contained therein regarding highway safety are acknowledged. However, since discussions have been ongoing between the applicant and the Highways Authority, and additional information has been submitted to address their initial concerns, the technical objection from the Highways Authority has now been removed. Therefore, the proposals are considered to comply with policy DP6 of the Local Plan.

Parking

A total of 23 car parking spaces are proposed within the development. Based on the number of bedrooms each unit proposes, the adopted vehicle parking standards require a total of 24 spaces. The 23 proposed do not include the two additional spaces that the double-width car port would provide. Including these would mean there is a total of 25 spaces for the development, which, on balance, is considered to be acceptable. In making this assessment, regard has been had to the fact that the approved scheme, for the same number and type of units, provided only 20 spaces, together with a triple-width car port. The scheme, as revised now proposes two additional spaces and it is not considered there would be any detriment to highway safety through insufficient parking provision.

Impact on character of area

The most notable change to the approved scheme relates to the three dwellings. These were previously proposed as a row of three terraces whereas now, the proposal is to create a pair of semi-detached properties and a detached unit on the end which has a single storey extension on the side. Each of the units has been re-designed to incorporate a single storey rear extension, thus increasing the amount of useable ground floor living space, whilst retaining as much of the original appearance on the front elevations as the approved scheme. The overall elevational treatment of the front of the dwellings would be the same as before; incorporating a sense of symmetry between the porch canopies, dormer windows and fenestration in general, which overall, is simple in form and detailing. It is not considered the addition of the side extension to Plot 10 or the rear extensions to all three units would result in any material visual harm to the overall development or the wider character of the area.

With regard to the apartment blocks, it is mostly fenestration alterations which are sought through this application. For Block B (Plots 5-9) the main change

would be on the rear elevation, where it is proposed to remove all the dormers, replace them with roof-lights and add two additional casements on the first floor of the reduced height section. This has the overall effect of simplifying the rear elevation which is considered a benefit. The other elevations would remain broadly the same as approved, with the addition of one new ground floor window on the side elevation, again, improving the symmetry and overall appearance of the building.

Block A (Plots 1-4) contains no proposed changes and would continue to look the same as previously approved.

Overall, it is considered, given the location of the development site and its limited public views, that the proposed design changes would not result in any adverse harm to the overall character and appearance of the development, nor would there be any harm to the wider character of the surrounding area. The development is therefore considered to comply with policy DP1 of the Local Plan.

Impact on neighbouring amenity

The overall positions of the buildings within the site are broadly the same as approved so it is not considered there would be any additional or greater harm to the amenity of neighbouring properties by reason of overbearing or overshadowing than has already been permitted. In terms of overlooking, the insertion of some new windows has been noted, however, it is not considered these would facilitate any increased levels of overlooking than the permitted scheme, especially since the additional windows in the rear of Block B would be obscured almost entirely by the presence of the boundary wall which stands at a height of 3m. In terms of impact on existing residential properties in the surrounding locality, it is not considered that the development, as proposed through this variation would lead to any additional or harmful impacts by reason of overbearing, overshadowing or overlooking and the proposals are therefore considered acceptable in this regard. The development therefore complies with policy DP2 of the Local Plan.

Other Matters

There are no other material changes in policy since the original decision that would lead me to reach a different conclusion on any of the key issues in the report attached to W/15/0620.

Issuing any permission under Section 73 of the Act is tantamount to issuing a new permission for the entire development. As a consequence, any decision notice must replicate all previous conditions which are still relevant. Given the reserved matters nature of the previous submission, there was only one pre-commencement condition attached to the original permission, relating to the submission of material samples, which has not already been discharged and it is therefore appropriate that this condition is carried forward to any forthcoming permission. Other conditions required compliance with submitted details and prohibited the subsequent development of the buildings under permitted development by taking away permitted development rights. It is considered appropriate to carry forward all such conditions to any new permission issued under this revised reference number.

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

SUMMARY/CONCLUSION

The original planning permission was granted under an outline application reference W/11/1618 and the reserved matters pursuant to this outline were subsequently approved under application reference W/15/0620. The policies and material considerations that are relevant to the reserved matters decision are set out in its associated officer report.

The variation of condition 1 to allow some revisions to the design of some of the proposed buildings, together with revisions to the parking layout, bin store location and the access arrangements would not result in any detriment to highway safety, the visual amenity of the site and surroundings or the amenity of residential properties surrounding the site. Furthermore, there are no material changes in planning policy that would lead officers to a different conclusion to that which was reached previously through the assessment and determination of the previous application. It is therefore considered that the development remains in accordance with the relevant provisions of the Development Plan.

- 1 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings T373-002 Rev A and T373-004, and specification contained therein, submitted on 30 September 2016 and T373-001 Rev C and T373-003 Rev B, and specification contained therein, submitted on 15 March 2017. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 2 The development hereby permitted shall be carried out strictly in accordance with the details of materials as approved on 30 November 2016 in pursuance of condition 2 of W/15/0620. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.
- 3 The development hereby permitted shall not be occupied unless and until an access for vehicles has been provided to the site in accordance with the details shown on submitted plan number T373-001 Rev C. **REASON:** In the interests of vehicular and pedestrian safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.
- 4 The development hereby permitted shall not be occupied unless and until space has been provided within the site for the parking and turning

of vehicles in accordance with submitted plan number T373-001 Rev C.
REASON: In the interests of vehicular and pedestrian safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.

- 5 The development hereby permitted within Blocks A & B shall not be occupied unless and until the bin storage area has been laid out and provided in accordance with submitted drawing T373-001 Rev C. Thereafter the bin store shall remain available for use at all times unless otherwise agreed in writing by the local planning authority.
REASON: In the interests of the amenities of the future occupants of the residential accommodation in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no roof extension or addition shall be erected or constructed to, any of the dwellings hereby approved within Block C as identified on the proposed site plan. **REASON:** That due to the restricted nature of the application site and its relationship with adjoining properties it is considered important to ensure that no additional development is carried out without the permission of the local planning authority in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011.

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification) the window(s) to be formed at first floor level in the north-west & south-east facing elevations of Block C and in the east facing elevation of Block B hereby permitted shall only be glazed or re-glazed with obscure glass and any opening part of any window shall be at least 1.7m above the floor of any room in which the window is installed. **REASON:** In the interests of the amenities of the occupiers of nearby properties in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011.

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification) no windows or openings, including dormer windows (apart from any shown on the approved drawings) shall be formed to any of the dwellings hereby approved and if any additional windows are subsequently approved they shall only be glazed or re-glazed in accordance with such approved details and any opening part of any window shall be at least 1.7m above the floor of any room in which the window is installed. **REASON:** In the interests of the amenities of the occupiers of nearby properties in

accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011.

- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification) no windows or openings (apart from any shown on the approved drawings) shall be formed at first or second floor level in the south facing elevation of Blocks A & B or at first floor level in the north-west and south-east facing elevations of Block C hereby approved and if any additional windows are subsequently approved they shall only be glazed or re-glazed in accordance with such approved details and any opening part of any window shall be at least 1.7m above the floor of any room in which the window is installed. **REASON:** To ensure the amenities of adjoining properties are not detrimentally affected through overlooking or loss of privacy in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011.

Planning Committee: 23 May 2017

Item Number: 9

Application No: [W 16 / 2271](#)

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

Registration Date: 15/12/16
Expiry Date: 16/03/17

Woodside, Spinney Hill, Warwick, CV34 5SP

Demolition of existing 3 storey care home and construction of new 72 bed care home (Use Class C2) and associated ancillary facilities, car parking and external works. FOR Common Lane Developments Limited

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

This is a full planning application for the demolition of an existing care home and the redevelopment of the site involving the erection of a replacement care home providing an enlarged building that would accommodate a total of 72 resident bedrooms, 1 guest bedroom and associated facilities including car parking and landscaping. The replacement building would be arranged over four floors, including a basement, and would provide a total floor space of 3913.5 square metres.

The proposed replacement care home is targeted at residents with dementia and accordingly specific design rationale has been used in formulating the type of care facility this proposes to be. Instead of 72 individual bedrooms for residents, the concept here is taken from an example of a care facility in Amsterdam, which has been operational since 2010, and is based on 'small resident households'. As such, this development would contain 12no. households in total with 4no. households on each floor. Each 'household' would contain between 5 and 7 en-suite bedrooms together with a small kitchen and living area and would be arranged around a central courtyard space, each one being accessed by its own 'front door' entrance. The central courtyard is integral to the design with the building arranged around it. The courtyard is a multi-functional space, acting as essential amenity and activity space for residents as well as the primary point of circulation. Adopting the same ideas as the facility in Amsterdam, the courtyard is intended to replicate any typical town/village square and accordingly would contain facilities such as a shop, laundered, cafe and hair salon. These would face onto the courtyard with traditional 'shopfront' appearances, giving them as 'normal' an appearance as possible for the benefit of the residents.

Staff facilities would be located in the basement with residents' accommodation over the ground, first and second floors. Access would continue to be taken from Maple Grove to the north side of the site, with no new or secondary accesses being taken off Spinney Hill. Materials proposed comprise both red and blue facing brickwork together with concrete roof tiles.

THE SITE AND ITS LOCATION

The application site comprises an area of approximately 0.37 hectares within a residential suburb known as Spinney Hill. This represents the highest point where Greville Road leads into Spinney Hill and although predominantly surrounded by residential properties, there is a shopping precinct to the east side. The site currently accommodates a three storey building arranged in a 'T-shape' which, until recently, has provided a 40 bed care home facility employing 56 members of staff. The building has recently been vacated and residents and staff temporarily moved elsewhere.

Access to the care home is off Maple Grove, a residential no-through road to the north of the site. A pedestrian access exists off Spinney Hill but there is no vehicular access to the site's frontage. The site is surrounded on all sides by residential development, with the aforementioned shopping precinct to the east side. Properties in Maple Grove to the north are a combination of semi-detached and terraced two storey properties, while the properties directly opposite the site in Spinney Hill are mostly bungalows. To the west, the adjacent neighbouring property, No.45 Spinney Hill, is a detached bungalow which has a detached garage at the rear of it's garden, adjacent to one of the proposed access points into the proposed site. Further along from No.45, to the west, properties are predominantly two storey and detached.

There are no specific landscape designations or other site constraints which are relevant to the consideration of this application.

PLANNING HISTORY

There is no directly relevant planning history.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)

- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP15 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011)
- SC8 - Protecting Community Facilities (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS6 - Creating Healthy Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS8 - Protecting Community Facilities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

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

SUMMARY OF REPRESENTATIONS

Warwick Town Council: No objection

Councillor Edgington: Support the principle of development; the site and care provider will greatly serve the residents of Warwick as well as they have served Kenilworth, Rugby and the wider area. The proposals demonstrate high quality and well thought out design which will positively contribute to the street scene. Increased parking provision and any measures to enhance the area through landscaping are welcomed. One concern relates to the massing on the adjacent

neighbour (No.45) but through conversations with the case officer, satisfied that the impacts will be assessed and mitigated as far as possible.

WCC Highways: No objection, subject to recommended conditions.

WCC Ecology: No objection, subject to recommended conditions

Tree Consultant: No objection

WCC Landscape: Like the concept of the communal gardens but consider that there needs to be detailed plans to demonstrate how these will look and function. Question the necessity of removing T12.

WDC Environmental Health: No objection, subject to recommended conditions

Lead Local Flood Authority: No objection, subject to recommended conditions

Severn Trent Water: No objection, subject to recommended condition

Environment Agency: Development has low environmental risk

Open Space Team: No contribution required for enhancement of public open spaces

Public Response:

A total of 13 letters of objection from 7 individual residents have been received. Grounds for objection relate to:-

- highway safety -
 - increased traffic
 - existing traffic calming in the road will add to the danger of traffic movements
 - on street parking in Greville Road and waiting buses already cause obstruction
 - there will be additional demand for parking
- impact on neighbouring amenity -
 - loss of privacy
 - loss of light
 - overshadowing
 - noise and disturbance
 - proximity of parked cars to boundary
- concern about pedestrian safety
- insufficient parking provision
- impact from proximity of trees to boundary with neighbouring property
- increased surface water run off
- loss of trees
- impact on birds and other features of ecological importance
- visual impacts resulting from increased size of building
- waste management on-site and refuse lorries ability to access/egress the site

Other non-material considerations were also raised.

ASSESSMENT

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

- Principle of development
- Impact on character and appearance of the area
- Trees and landscaping
- Impact on the amenity of neighbouring properties
- Access, parking & highway safety

The principle of the development

Saved Policy SC8 of the Warwick District Local Plan 1996-2011 sets out a presumption in favour of the protection of existing community facilities that serve local needs by resisting their redevelopment or change of use unless in the specific circumstances listed in the policy. These same principles are carried forward in emerging Policy HS8 of the emerging Local Plan. Both of these policies are consistent with the NPPF, which, at paragraph 70, encourages the delivery of social, recreational and cultural facilities and services the community needs through (inter alia) the provision and use of shared space, community facilities and other local services to enhance the sustainability of communities and residential environments. Since this application seeks to redevelop an existing care home facility and provide improved and enlarged facilities in its established location, the principle of development is considered to be acceptable having regard to the relevant provisions of both the saved and the emerging Local Plan as well as the NPPF. This is subject to an assessment being made of the other relevant considerations which are set out below.

Impact on the character and appearance of the area

The existing care home building is mostly three storey, arranged in a 'T-shape' with a single storey wing on one side. The building is of little architectural merit and does not make any particular positive contribution to the street scene or the wider character of the surrounding area. At present the site is characterised by the set back of the building from the pavement edge with a grass verge that provides some separation between the road and the building. The rest of the locality is characterised by predominantly brick buildings, constructed circa 1960's / 70's and the shopping precinct to the east side consists of two three storey buildings, gable end on to Spinney Hill with a large flat roof expanse between the two. This is of no architectural merit in officers' opinion and does not positively enhance the street scene or the character of the area.

The replacement building would be on a larger footprint. Instead of being arranged in a similar 'T-shape' it would be in two three storey sections connected by a central 'core' element, largely glazed but with a much lower ridge height. Each of the three storey sections would have a maximum ridge height of 14m which would be staggered through the sectional arrangement of the facades. The central link would have a maximum height of 10m thus creating a prominent break and visual separation in the overall massing of the building. The west section would sit at an oblique angle to the east section and the central link and as such would be set further forward, i.e. closer to the site's frontage. While this would in part reduce the existing width of the grass verge

that separates the existing building from the road, it is considered appropriate that the proposed new building has been designed to follow the curve of the site's frontage.

The application site does not have a straight boundary line at the front and similar, the building line in this part of Spinney Hill is not regular. Properties to the west start to the turn at an oblique angle to the existing care home building on the site and thereafter follow a staggered building line. Properties directly opposite the site, whilst sharing a very regular and uniform building line, are arranged at an oblique angle to the care home, starting, on the east side, immediately adjacent the highway edge, but moving away from the road towards the west side by approximately 17m. Adjacent properties further west are closer to the road again, resulting in ad hoc pattern of built development immediately surrounding the site's frontage.

It is with the above in mind that the proposed replacement building, which would be configured in a more irregular layout than the existing building, is considered by officers to represent a visually appropriate form of development having regard to the character of the locality and the pattern of development that already surrounds all sides of the site, particularly in light of the Spinney Hill frontages and irregular building lines. Notwithstanding the fact that part of the new building would be brought closer to the site's front boundary, it is considered that this still remains proportionate in terms of the gap still left between the front elevation of the building and the site's perimeter boundary. In relative terms therefore, there would still be a belt of landscaping across the full width of the site's frontage, separating the building from the pavement edge.

The proposed materials comprise a mix of facing brickwork together with rendered panels to break up the monotony of brickwork, especially on the front elevation. This would reflect the surrounding vernacular where a mixture of brick, render and some timber cladding can be found on buildings in the immediate locality of the site.

Overall, the development is considered to be an improvement to the visual amenities of the area and would present an opportunity to redevelop a site in a visually prominent location within the street scene and replace an existing building of littler architectural merit with a form of development that would reflect the existing pallette of materials while at the same time introduce a more interesting form of built development that responds to the constraints of the site in a positive manner. It is not considered there would be any material harm arising from the development on the immediate character of the site in its context or the wider surrounding area and appearance of the street scene.

Trees and landscaping

An arboricultural impact assessment has been undertaken and submitted with this application. This advises there are 37no. trees in total across the site and the vast majority are classified as either Category C or Category U. Only 7 are classified as Category B and these are proposed to be retained with the exception of two; one on the western boundary with No.45 Spinney Hill and the other, a very small sweet gum (T33) on the site's frontage. The majority of trees proposed for removal are positioned along the rear (northern) boundary of the

site and would be visible primarily from Maple Grove, thus providing less amenity value along the site's frontage. A total of 6no. trees on the site's frontage along Spinney Hill are proposed for removal.

Overall, it is acknowledged that the site is not within a conservation area and there are no TPO's within the site. This means that any of the trees could be removed at any time. The submitted tree survey demonstrates that of the 37 trees in total, more than 80% of them are of C class value or lower, meaning they are either of little landscape amenity value and/or have a limited life expectancy in any case.

The trees proposed for retention within the site form two clusters; one in the north east corner of the site opposite properties in Maple Grove and close to one of the access points into the site and the other in the south west corner of the site, fronting Spinney Hill. This latter cluster is considered to be the most important in landscape amenity value for the contribution it makes to the street scene and the character of the area. A total of 6no. trees are to be retained in this group, where three are Category B and the remaining three are Category C. The tree survey and the associated drawings include a tree protection plan which indicates the areas and methods of the proposed tree protection measures to ensure the retained trees are safeguarded appropriately.

The Council's Tree Consultant has provided comments on the application and advised that the level of arboricultural survey work undertaken and information provided is competent and the practicalities of the required tree protection plan have been well thought out. It is therefore considered appropriate to impose a condition to any forthcoming permission requiring the development to be carried out in accordance with the submitted tree protection measures.

The comments of the County Landscape team are noted, however, it is considered reasonable to attach a landscaping condition to any forthcoming permission requiring full details of hard and soft landscaping prior to the commencement of development. This would ensure that the proposed planting is appropriate for the character of the area and the proposed hard landscaping features are also appropriate in character and visual terms. Officers do not consider there is any reason why this approach would not be appropriate in this instance and therefore have not sought any additional information prior to the determination of the application.

Impact on the amenity of neighbouring properties

Due to the site's position there are neighbouring properties on all sides of the proposed new building. All separation distances have been checked against the Council's standards; for the avoidance of doubt these are between the new building and the two storey properties in Maple Grove, the three storey properties to the east and the single storey properties opposite in Spinney Hill, all of which would share either a front to front / front to back / front to side relationship with the new building. Broadly speaking, all separation distances are exceeded, or at the very least, met. There is only one exception to this; where No.3 Maple Grove faces towards part of the rear of the new building and is 21m away (standards require 27m). However, it is acknowledged that the new care home building at this point is designed at an oblique angle to No.3 Maple Grove

and the wall facing towards the neighbour would predominantly be a blank gable with one narrow window serving a sluice room. Moreover, it is acknowledged that the existing building has a three storey rear projecting wing that comes within 20m of No.3 Maple Grove and the demolition of the existing building would in fact improve the relationship to No.3 by moving the new building further away and oblique to its front elevation.

In view of the separation distances being either met or exceeded it is considered that the development would not give rise to any harm to the amenity of neighbouring properties by reason of overlooking, overbearing or overshadowing.

In officers' opinion, No.45 Spinney Hill is the neighbouring property most likely to be impacted by the proposals. This is a single storey building to the west and it sits on lower ground level than the majority of the application site, by approximately 1 metre. It is acknowledged that the shape of the existing building means that the three storey element is presently around 21m from the side gable to No.45 but this is only a gable end of the care home, with the remainder of the west wing moving away from the neighbour. The replacement building would introduce an enlarged west wing, re-orientated so that the gable end fronts the road while its 'rear' elevation faces towards the rear garden of No.45. This would increase the extent of built form that would run parallel to the shared boundary although the new building would be set in from the boundary by, on average, 16m.

It is acknowledged that bringing the three storey element of the building closer to the boundary could have an impact on outlook. The 45 degree test has been undertaken and this has been measured from the centre point of the nearest habitable room window in the rear elevation of No.45. When drawn across the proposed development it results in a small breach at the far north west corner of the replacement building. However, given the distance of the breach is 26m from the rear facing window of No.45, this is considered to be an acceptable level of impact that would not result in material harm by reason of loss of light or outlook.

In respect of overlooking, again it is acknowledged that the increased massing of the building and its closer proximity to the boundary could increase the perception of overlooking when the west facing elevation contains a number of windows on all three floors that would serve individual residents' bedrooms. It is, however, considered that the building is sufficiently far enough away from the boundary and almost half of the west elevation faces directly towards the side gable of No.45, with only the central section facing towards the part of the rear garden immediately to the rear of the property. On balance therefore, the proposals are not considered to cause such demonstrable harm by reason of overlooking as to justify a refusal of permission.

Taking into consideration all of the above factors, it is officers' opinion that the proposed replacement building would not cause unacceptable levels of harm to neighbouring amenity by reason of loss of light, outlook or privacy and the proposals are therefore considered to comply with Policy DP2 of the Local Plan.

Access and highway safety / parking

No new access points are proposed of Spinney Hill, with access into the site remaining as per the existing situation; taken off Maple Grove to the northern side of the site. There would be two access points off Maple Grove, each leading to a designated area of car parking. The main pedestrian entrance would also be off Maple Grove, leading into the central element of the new building. The County Highways Authority initially raised objection to the proposals on the basis that further information was required in the form of a Road Safety Audit (RSA). This additional work was undertaken by the applicants and submitted accordingly, which had minor implications on the layout, for example, the position of the ambulance drop off zone within the car park instead of towards the north western corner of the site near the road as previously proposed. All of the additional information provided by the applicant (RSA, swept path analysis and revised site layout) has been reviewed by the Highways Authority who no longer consider there are any likely issues that could lead to material harm to highway safety.

With respect to parking, the Transport Statement indicates that the car parking for the proposed development complies with the "High Accessibility Zone" standards within the Local Planning Authority's Vehicle Parking Standards SPD. However, the site is not within the town centre as identified on the Proposals Map and as such falls within a "Low Accessibility Zone". The Parking Standards therefore set out a requirement for 24 parking spaces which would be required for a development of this size and based on the number of proposed residents. A total of 18 spaces are proposed with this development, which presents a shortfall of 6 spaces. However, it is acknowledged (and the Highway Authority also concurs) that this shortfall is comparable with the current shortfall. The existing 40 bed care home should provide 13 spaces but only provides 7 which is still a shortfall of 6. With this in mind, it is officers' opinion that the number of car parking spaces provided is unlikely to lead to severe detriment to highway safety or residential amenity, which is a view expressed by the Highways Authority in their final revised response confirming there is no longer any objection to the development.

Overall therefore, it is considered the development is acceptable in regard to highway safety and accordingly complies with Policies DP2 and DP6 of the Local Plan.

Other Matters

Drainage and flood risk

Some supporting information relating to the proposed drainage measures across the site has been submitted with the application and this has been reviewed by the Environment Agency, the Lead Local Flood Authority (LLFA) and Severn Trent, all of whom raise no objection to the development proposed. As the site is less than 1 hectare in site area and located in Flood Zone 1, a formal flood risk assessment is not required. A detailed drainage strategy report has been submitted which also provides high level details relating to flood risk. The LLFA has reviewed this and advised there are no issues relating to drainage of the site and as such raised no objection to the development subject to a condition requiring detailed surface and foul water drainage schemes for the site, based on sustainable drainage principles and an assessment of the hydrological and

hydrogeological context of the development. The development is considered to be acceptable in this regard and therefore in accordance with Policy DP11 of the Local Plan.

Ecological considerations

A bat survey was undertaken of the site and the County Ecologist, having reviewed the results, raise no objection to the development, subject to appropriate conditions to be attached to any forthcoming permission. Some subsequent discussion has taken place directly between the applicant's agent and County Ecology to seek further clarification over specific detail contained within the report but overall, this has not changed the recommendations of the County Ecologist. Subject to the recommended conditions therefore it is considered there would be no harm to protected species or any other features of ecological importance and the development therefore accords with Policy DP3 of the Local Plan.

Ground contamination and noise

Survey work has been undertaken in respect of ground contamination and noise and the associated reports submitted with the application. The Council's Environmental Health Officer has reviewed all the supporting information in this regard and raised no objection to the development subject to the imposition of suitable and necessary conditions to any forthcoming permission that would require: a) the submission of further reports in the event any contamination is found, b) noise levels at the site not to exceed a maximum stipulation; and c) the submission of an appropriate scheme of mitigation in relation to the Council's Air Quality Action Plan - low emissions strategy. Subject to the imposition of these recommended conditions the development is considered to be acceptable in this regard and therefore in accordance with Policy DP9 of the Local Plan.

Renewable energy

The submitted Sustainable Buildings Statement suggests that a fabric first approach would be taken to the development along with some other suggestions. Full details and calculations have not been submitted at this stage so it is appropriate to attach the standard condition to any forthcoming permission requiring full details prior to the commencement of development. Subject to this condition the development is considered to comply with Policy DP13 and the associated SPD.

Open space

Due to the nature of the proposed development, the way in which it is laid out and the intended users of the development, the Open Space team has advised that it would be unreasonable to request a contribution in this instance, since the nature of the care facility would mean little to no impact on existing areas of public open space.

SUMMARY/CONCLUSION

The principle of development is considered to be acceptable in accordance with saved Policy SC8 of the Local Plan, emerging Policy HS8 of the New Local Plan and paragraph 70 of the NPPF, with which the Development Plan is consistent. The development proposals would result in the redevelopment of an existing care home facility and would provide improved facilities, specifically for residents affected by dementia, in an enlarged building with associated car parking and landscaping. The development is not considered to result in any demonstrable harm to the character of the area and the appearance of the street scene nor would there be any significant or demonstrable harm to the amenity of existing residential properties that surround all sides of the application site. The development is not considered to be detrimental to highway safety and the level of parking proposed is, on balance, considered to be acceptable. Matters relating to noise, contamination, ecology, drainage and open space have all been considered and found to be acceptable and can be adequately dealt with and/or mitigated through the use of appropriate conditions attached to any forthcoming permission.

Overall the proposals represent a sustainable form of development and for all the reason cited above it is recommended that planning permission be approved.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 3246-51 Rev.H, 3246-52 Rev.G, 3246-53 Rev.G, 3246-54 Rev.G, 3246-56 Rev.B, 3246-61 Rev.C, 3246-62 Rev.C, 3246-63 Rev.C, 3246-64 Rev.B, 3246-65 Rev.B, 3246-66 Rev.B, 3246-67 Rev.B, 3246-68 Rev.B 3246-70 Rev.B, 3246-71, 3246-72, 3246-74, 3246-01, 16.1235.001 'Tree Constraints Plan' and 16.1235.002 'Tree Protection Plan', and specification contained therein, submitted on 13 December 2016, approved drawing 216-012 C-002, and specification contained therein, submitted on 30 March 2017 and approved drawing 3246-55 Rev.H, and specification contained therein, submitted on 2 May 2017. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 Other than site clearance and preparation works no works shall commence on the construction of the development hereby permitted until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities

of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.

- 4 The development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.
- 5 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 during any such construction work unless otherwise agreed in writing by the local planning authority. In addition no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **REASON:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.
- 6 No development shall take place until detailed surface and foul water drainage schemes for the site, based on sustainable drainage principles

and an assessment of the hydrological and hydrogeological context of the development, have been submitted and approved in writing by the Local Planning Authority (LPA) in consultation with Warwickshire County Council (WCC). The scheme shall be subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

- a) Infiltration testing, in accordance with BRE 365 guidance, to be completed and results submitted to demonstrate suitability (or otherwise) of the use of infiltration SuDS
- b) Demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C753
- c) Evidence that the discharge rate generated by all rainfall events up to and including the 100 year (plus an allowance for climate change) critical rain storm has been limited to 5 l/s for all return periods
- d) Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the drainage system for a range of return periods and storms durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- e) Evidence from Seven Trent Water (STW) will be required granting approval of discharge of sewerage to their assets including discharge rate and connection points.
- f) Demonstrate the proposed allowance for exceedance flow and associated overland flow routing
- g) A foul water drainage scheme including evidence from Severn Trent Water (STW) that there is adequate capacity within their sewerage assets for this development
- h) Provide a Maintenance Plan to the LPA giving details on how the entire surface water and foul water systems shall be maintained and managed after completion for the life time of the development. The name of the party responsible, including contact name and details, for the maintenance of all features within the site shall be provided to the LPA.

REASON: To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011.

- 7 The development hereby permitted (including demolition) shall not commence until a further bat survey of the site, to include appropriate activity surveys in accordance with BCT Bat Surveys for Professional Ecologists– Good Practice Guidelines, has been carried out and a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the District Planning Authority. Such approved mitigation plan shall thereafter be implemented in full. **REASON:** To safeguard the presence and

population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-2011.

- 8 The development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO² emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.
REASON: To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.
- 9 The development hereby permitted shall not be occupied until a Low Emission Strategy has been submitted to and approved in writing by the local planning authority. The approved Low Emission Strategy shall be implemented in strict accordance with the approved details and shall remain in force at all times thereafter. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development, in accordance with Policy DP9 of the Warwick District Local Plan and the aims and objectives of national guidance within the NPPF 2012.
- 10 The development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which has been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for: the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction; and a scheme for recycling / disposing of waste resulting from demolition and construction works, unless otherwise agreed in writing by the local planning authority. Best practicable means shall also be employed at all times to control noise and dust on the site including, a) work which is likely to give rise to noise nuisance be restricted to the following hours: Mon-Fri 7.30 am - 5 pm, Sat 7.30 am - 1pm. No working Sundays or Bank Holidays; b) delivery vehicles should not be allowed to arrive on site before 8 am or after 4.30 pm Mon – Fri, 8 am - 1 pm Sat and not on Sundays or Bank Holidays.
REASON: In the interests of highway safety and the amenities of the

occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies DP2, DP6, DP8 & DP9 of the Warwick District Local Plan 1996-2011.

- 11 Within nine months of the first occupation of the development hereby permitted the applicant shall submit an updated Green Travel Plan to promote sustainable transport choices to the site, the measures proposed to be carried out within the plan to be approved by the Planning Authority in writing, in consultation with the County Council as Highway Authority. The measures (and any variations) so approved shall continue to be implemented in full at all time. The plan shall:
- i. specify targets for the proportion of employees and visitors travelling to and from the site by foot, cycle, public transport, shared vehicles and other modes of transport which reduce emissions and the use of non-renewable fuels;
 - ii. set out measures designed to achieve those targets together with timescales and arrangements for their monitoring, review and continuous improvement;
 - iii. explain and justify the targets and measures;
 - iv. identify a senior manager of the business using the site with overall responsibility for the plan and a scheme for involving employees of the business in its implementation and development.

REASON: In the interest of encouraging the use of alternative modes of transport with the aim of creating a more sustainable development in accordance with Policies SC12 & SC4 of the Warwick District Local Plan 1996-2011.

- 12 The development shall not be occupied until pedestrian and vehicular access facilities have been provided to the site, and space has been provided within the site for the parking and manoeuvring of vehicles, in accordance with drawing number 3246-55 Revision H. **REASON:** In the interest of highway safety in accordance with policy DP6 of the Warwick District Local Plan 1996-2011

- 13 The development shall not be occupied until all parts of the existing access within the public highway not included in the permitted means of access have been closed and the kerb and footway have been reinstated in accordance with the standard specification of the Highway Authority. **REASON:** In the interest of highway safety in accordance with policy DP6 of the Warwick District Local Plan 1996-2011

- 14 Gates/barriers erected at the entrances to the site for vehicles shall not be hung so as to open to within 7.5 metres of the near edge of the public highway carriageway. **REASON:** In the interest of highway safety in accordance with policy DP6 of the Warwick District Local Plan 1996-2011

- 15 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be

reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken, and where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority. **REASON:** To safeguard health, safety and the environment in accordance with Policies DP3 & DP9 of the Warwick District Local Plan 1996-2011.

- 16 Noise arising from any plant or equipment, when measured one metre from the façade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB(A) (measured as LAeq(5 minutes)). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **REASON:** To protect the amenities of occupants of nearby properties in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.
- 17 The development hereby permitted shall not be occupied unless and until the approved parking spaces have been provided and made available for use in accordance with the approved details and thereafter those facilities shall remain available for use at all times unless alternative measures have been approved by the local planning authority. **REASON:** In the interests of amenity and highway safety in accordance with Policies DP1 and DP8 of the Warwick District Local Plan 1996-2011.
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Planning Committee: 23 May 2017

Item Number: 10

Application No: [W 17 / 0039](#)

Town/Parish Council: Bishops Tachbrook
Case Officer: Lucy Hammond

Registration Date: 17/01/17

Expiry Date: 18/04/17

01926 456534 lucy.hammond@warwickdc.gov.uk

**Grove Farm, Harbury Lane, Bishop's Tachbrook, Leamington Spa, CV33
9QF**

Reserved matters application for the layout, landscaping, scale and appearance of 130 dwelling houses comprising 1.5, 2 and 2.5 storey housing together with associated garages, parking facilities, landscaping, infrastructure and drainage, forming Phase 1B of the Oakley Grove Harbury Lane development granted under outline planning permission W/14/0023. FOR A C LLOYD LIMITED

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

This application seeks the approval of reserved matters relating to the appearance, layout, landscaping and scale of the development, following the grant of outline permission on 29th May 2014 (W/14/0023) for an urban extension comprising approximately 200 dwellings with new access onto Harbury Lane, land safeguarded for a new primary school, allotments, open space, local shop (A1 use up to 100 sqm gross), car parking and associated infrastructure for up to 200 new homes, public open space, landscaping, new access and highways and associated and ancillary development. The site access from Harbury Lane was approved under this outline planning permission.

This reserved matters application provides details for what has been termed Phase 1b only, which comprises 130 units located along the northern part of the site, south of Harbury Lane. It is also to the east of and adjacent to previously approved Phase 1a, on which reserved matters for 90 units have already been approved under a previous application (W/14/1865) and where construction is already substantially complete.

THE SITE AND ITS LOCATION

The application site relates to a green field site comprising arable fields located south of Harbury Lane and west of Oakley Wood Road. The housing estate of Warwick Gates is located to the north of Harbury Lane, Heathcote Park static caravan park is located to the northwest and open fields lie to the south (where

outline permission for Phase 2 - 520 dwellings has been approved under W/15/0851 and some of the reserved matters appertaining to specific phases are currently being considered) with the village of Bishop's Tachbrook beyond. The site is within open countryside on the edge of Warwick/Royal Leamington Spa.

PLANNING HISTORY

Of direct relevance to this reserved matters application:

W/14/0023 - Residential development (approximately 200 dwellings) with new access onto Harbury Lane, land safeguarded for a new primary school, allotments, open space, local shop (A1 use up to 100 sqm gross), car parking and associated infrastructure - Approved 29.05.2014

Of relevance to the wider site but not specifically related to Phase 1b:

W/16/2356 - Reserved matters application for the appearance, layout, landscaping and scale of the infrastructure works (principally drainage pond, drainage routes, public open space and roads and footpaths, and hereinafter referred to as Oakley Grove Phase 2A) pursuant to condition 1 of previously approved outline application ref: W/15/0851 – Pending

W/16/0468 - Construction of a permanent balancing pond to support the development and occupation of the Harbury Gardens Phase 1A development – Approved 10.05.2016

W/15/1630 - Submission of reserved matter in respect of phase 1 landscaping for 90 dwelling houses comprising one and two storey housing together with associated garages, parking facilities, infrastructure and drainage, forming Phase 1 of the Grove Farm Harbury Lane development granted under outline planning permission W/14/0023 - Approved 22.07.2016

W/15/0851 - Outline planning application for residential development for (approximately) 520 dwellings together with two new accesses onto Harbury Lane, land for Country Park, open space (including areas of formal and informal open space, allotments, structural landscaping and drainage works including surface water attenuation ponds as part of a Sustainable Drainage System), demolition of existing buildings, car parking and associated infrastructure – Approved 20.08.2015

RELEVANT POLICIES

- The National Planning Policy Framework

The Current Local Plan

- RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)

- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
- DP5 - Density (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
- SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)
- SC4 - Supporting Cycle and Pedestrian Facilities (Warwick District Local Plan 1996 - 2011)
- SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
- SC12 - Sustainable Transport Improvements (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- SC14 - Community Facilities (Warwick District Local Plan 1996 - 2011)
- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS6 - Level of Housing Growth (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS7 - Meeting the Housing Requirement (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H0 - Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- DS11 - Allocated Housing Sites (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS13 - Allocation of Land for a Country Park (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H2 - Affordable Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- H4 - Securing a Mix of Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

- TR3 - Transport Improvements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NP1 - Neighbourhood Plans (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- FW4 - Water Supply (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

- Affordable Housing (Supplementary Planning Document - January 2008)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Open Space (Supplementary Planning Document - June 2009)
- Vehicle Parking Standards (Supplementary Planning Document)
- Warwickshire Landscape Guidelines SPG
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Development Management Policy Guidance: Achieving a Mix of Market Housing on new Development Sites (Agreed by Executive - 19th June 2013)
- Garden Towns, Villages and Suburbs - A prospectus for Warwick District Council (Consultation document - May 2012)

SUMMARY OF REPRESENTATIONS

Bishops Tachbrook Parish Council: Objection:-

- The outline permission (W/14/0023) was for 200 dwellings with land safeguarded for a new primary school, allotments, open space, local shop, car parking and associated infrastructure. Phase 1a and 1b combined amount to 220 dwellings and there is no shop
- The location of the school site has been amended from the centre of the site to the eastern side; together with the predominance of detached and semi-detached properties, this leads to a densely packed development that does not comply with the Garden Village concept
- The predominant use of brick with only some render adds to the potentially oppressive feel
- The parameter plan describes a maximum height of 2.5 storeys however some of the buildings are 3 storeys; this is dominant especially in terms of the proximity to the roads and footpaths
- There is no requirement for the additional housing proposed by this application
- The proposal is unduly dense, threatens the coalescence of settlements and is too dominant on the road to the new school
- The distribution of affordable homes is uneven with the majority being to the school end of the site
- The outline permission showed the SUDs pond located on what is now shown as part of the school site. Now the SUDs pond is located to the south in part of the Country Park area, taking away land from the Country Park which is detrimental

- The secondary access road off Harbury Lane to the west of the planned school site is narrow and so is the footpath in considering its use for school drop-off and pick-up times; there should be provision for vehicles to park safely and for children to walk/cycle safely.

WCC Highways:

- (1) Objection; additional information required, followed by:-
- (2) No objection; conditions recommended

WCC Archaeology: No objections

WCC Ecology: No objection in principle but wish to see a preferred alternative mix of wildflower/planting

WCC Landscape: Objection; alternative mix for planting, landscaping and hedgerow is required together with a specification regarding planting/seeding and ongoing maintenance

Green Space team:

- (1) No objections overall but additional information / clarification sought

Environmental Health:

- (1) No objections overall but additional and technical information sought

ASSESSMENT

As the principle of development has already been established through the outline permission (ref. W/14/0023) this cannot be reconsidered. In relation to the reserved matters for which approval is now sought, the main issues relevant to the consideration of this application are as follows:

- Design and layout;
- The impact on the character and appearance of the area;
- The impact on the living conditions of residential properties;
- Highway safety / car parking;
- Ecological Impact.

Design and layout

The Garden Towns, Villages and Suburbs Approach

The Council's 'Garden Towns, Villages and Suburbs' Prospectus seeks to bring together the key characteristics of the garden suburbs and villages approach, which include coherent and well planned layouts, high quality design and consideration of long term management arrangements. The site is considered to fall within the category of 'neighbourhood edge', lying at the edge of the developable area and adjoining countryside. The illustrative masterplan for the wider development was designed towards the principles established in this design guidance which were then applied to the design of Phase 1a, in turn establishing the design precedent for Phase 1b.

It is considered that the proposed scheme would provide a high quality residential environment which conforms to the garden suburb design principles exhibiting the characteristics of a leafy well designed residential neighbourhood within which open space and structural landscaping is an integral part, paying particular regard to the area of Public Open Space within the centre of the development.

The community spine road that separates Phase 1a from Phase 1b is shaped to naturally slow traffic and would provide a principle route through the development with wide pavements and tree-lined verges meeting widths specified within the 'Strategic Urban Extension' document. The scheme also provides a legible hierarchy of streets and spaces in accordance with this document with neighbourhood streets off the principle route and access drives meeting 'country lane' dimensions, adjacent to areas of public open space. Many dwellings facing onto these areas of public open space also provide natural surveillance.

The prospectus indicates that the linear layout can be less regimented for the 'neighbourhood edge' with a looser urban pattern of semis and detached houses. The layout provides well defined perimeter blocks with front and rear gardens to provide an acceptable level of amenity space and ample space for soft landscaping opportunities that would add to the verdant, garden suburb character.

The Council's Supplementary Planning Guidance - Distance Separation (2003) as referred to in the Adopted Local Plan sets standards for the distance separation between the windows of habitable rooms in dwellings. In particular, the policy states that there should be 22 metres between two storey dwellings, although this standard is reduced when the distance is measured across public space or a road where there would be public activity. The distance between a side and rear elevation should be 12 metres. For the most part, the development proposes a layout where these minimum separation requirements are satisfied. Where there are elements of the scheme where these separation distances fall short, they only do so by approximately one metre, but in these instances, this reflects the fact that dwellings have been pushed back from the highway to provide deeper front gardens which in turn creates an overall character of the area as spacious, which positively meets the aims and objectives of the garden suburb prospectus and ensures a good standard of amenity for future occupiers.

The Design Code

As part of the earlier outline permission for the wider site (W/15/0851) conditions 23 and 24 required the submission and written approval of a Site-wide Masterplan and Design Code respectively. While this relates specifically to the wider site, south of Phases 1a and 1b, it does incorporate the community spine road and secondary access road, both off Harbury Lane, that provide access into the site in its entirety. It also encompasses more over-arching principles in respect of building materials and demonstrates how the remainder of the site to the south of Phase 1 relates to these earlier phases, 1a and 1b.

General design and layout considerations

In line with the outline permission (W/14/0023) the site is predominantly proposed as two storey with a maximum of two and a half storey apartments located along the gateway residential street. There are also some one and a half storey bungalows proposed which would front onto the greenway and differ from those proposed within Phase 1a to provide a variety of unit types. The Parish Council has raised some concerns about the use of three storey buildings in the development, however, it is officers' opinion that the submitted plans clearly show that no building would exceed 2.5 storeys. While accommodation may be proposed in loft spaces which necessitates the insertion of dormer windows this does not constitute a three storey building and these buildings, sporadically placed throughout the site are considered to be acceptable.

Feature dwellings are located around the perimeter of the feature square and along the gateway residential street which is intended to enhance the road hierarchy. The whole development is predominantly made up of detached and semi-detached properties, with some limited terracing towards the eastern edge where the apartments and/or landmark buildings are proposed.

The density is proposed at 23.26 dwellings per hectare. Although the Parish Council has raised some concern that the development is too dense, officers consider that 23dph is acceptable and in fact lower than many other comparable scales of development. Officers have also acknowledged the Parish Council's comment that Phase 1a and 1b combined would amount to 220 dwellings, which is more than the 200 set at outline. However, it is noted that the outline permission was given for "approximately 200 dwellings" and it therefore falls to consider the subsequent reserved matters submission on its own merits. Having regard to the density as previously considered, no objection is raised to the proposals in this respect.

In terms of appearance the dwellings generally follow the same detailing principles as Phase 1a, incorporating a mixture of red bricks with some render to gables at prominent locations. Chimneys are proposed to the site frontage and to dwellings overlooking the greenway. The elevations of the dwellings that front onto the feature square are enhanced through the use of render and quoins. Additional details that have been added to develop the architectural style of Phase 1a include; rendered two storey bays, dormers to bungalows, two and a half storey apartments to the gateway residential street and blue brick band detailing added to screen walls.

Overall, it is considered that the proposed design and layout would result in an appropriate form of development in visual terms and would not give rise to any harm to the general character of the area. It is considered appropriate to condition samples of material to ensure an appropriate finish, as was the case for Phase 1a.

A condition was imposed at Outline stage to ensure that an appropriate level of open space and recreational facilities are provided to serve the development, including informal open space, appropriate children's play facilities, outdoor sport facilities and allotment gardens. Phase 1a provided large areas of linear public open space to the northern and southern boundaries and two areas of

public open space located centrally within the development. The intention was to provide further open space in Phase 1b and the submitted plans demonstrate that this is the case, with large expanses of public open space, strategically placed in the centre, around which much of the development is arranged, together with smaller areas of landscaping and open space to the northern and southern boundaries (in much the same way as for Phase 1a). Phase 1b also includes allotment gardens and all of this combined is considered to be appropriate and acceptable.

The Parish Council has expressed concern over the fact that the outline application indicated the SUDs pond would be towards the eastern edge of the site whereas it is now proposed to the south in what will eventually become the designated Country Park (subject to separate submissions under the conditions and S.106 discharge processes). Officers acknowledge this point but are mindful however that the outline application only produced indicative layouts, none of which was binding when the outline permission was approved. The position of the SUDs pond therefore is reserved for subsequent approval in the same way as other matters related to landscaping and in fact the SUDs pond does not form part of the reserved matters submission for Phase 1b. This is being considered under a separate application related to the infrastructure and is referred to as Phase 2a.

Housing mix

Paragraph 50 of the NPPF states that local planning authorities should plan for a mix of housing, based on current and demographic trends, market trends and the needs of different groups in the community. It goes on to state that local planning authorities should identify the size, type, tenure and range of housing that is required in different locations. In accordance with these requirements, the Council has adopted guidance on the required mix of market housing (June 2013). This is based on the 2012 Strategic Housing Market Assessment for Warwick District and specifies a mix of 7% 1 bedroom dwellings, 26% 2 bedroomed dwellings, 43% 3 bedroom dwellings and 24% 4 bedroom dwellings. This phase of development provides:

Market Housing

Bedrooms	Total	% Proposed	WDC requirement	Difference
1-bedroom	0	0	7%	- 7%
2-bedroom	21	27%	26%	+1%
3-bedroom	35	45%	43%	+2%
4/5-bedroom	22	28%	24%	+4%
Total	78	100	100	

The above table illustrates a better mix of market housing than Phase 1a and is much more closely aligned to the aforementioned guidance (2013). However, in view of the slight discrepancies, particularly in respect of the larger units, it will be necessary to ensure that the mix of house types for phase 2 are balanced to create the appropriate mix across the whole development site. Within that

context it is considered that the mix and distribution of housing types proposed as part of this first phase is acceptable.

Affordable Housing

The proposed affordable housing mix for this phase of development is as follows:

Bedrooms	Total
1-bedroom	10
2-bedroom	22
3-bedroom	16
4-bedroom	4
Total	52

This phase would provide 40% affordable housing comprising the mix of dwelling sizes set out in the above table. The layout plan illustrates how the affordable housing would be distributed across the site and while, on the face of it, it may appear that there are small 'clusters' of affordable units grouped together, each of these clusters is, in officers opinion, suitably and evenly distributed across the site rather than being concentrated in one singular part of the development.

It is also acknowledged that throughout the course of this application in respect of this particular phase, the developers have liaised directly with the Council's Housing Strategy and Development Officer and this chosen layout and placement of the affordable units is preferred from a management point of view. Housing Associations generally share a consensus view insofar as a certain amount of clustering is appropriate and makes it easier for Housing Associations to manage the units, and accordingly, it is less desirable to see affordable units pepper-potted across the site in ones and twos.

The impact on the living conditions of residential properties

The proposed layout and design of this development in accordance with the garden suburb approach and having regard to the general ethos of the Design Code, would provide a high level of residential amenity to the future occupiers of the development within an attractive setting. The separation distances to surrounding properties are considered to be acceptable and despite some minor shortfalls in some areas of the site, the proposed development would provide appropriate relationships between neighbouring properties without significant impact upon the amenities of the occupiers.

Highway safety / car parking

The primary site access from Harbury Lane that leads to the community spine road was previously agreed at the outline stage. Each property has an appropriate level of parking in accordance with the Council's Vehicle Parking Standards and bin collection points have been provided where necessary.

The Highways Authority initially raised objection to this reserved matter submission, and made a number of comments regarding the proposed layout, as

well as requesting some additional information. This was subsequently prepared and submitted by the applicants and on further consideration, the Highways Authority has since removed its objection, recommending a number of conditions that are considered appropriate to attach to any forthcoming permission.

Overall, the development is not considered to be detrimental to highway or pedestrian safety and accordingly complies with policy DP6 of the Local Plan.

Ecological impact

The Ecologist was satisfied at outline stage that any ecological impact could be successfully mitigated through planning conditions and these were imposed upon the original outline application W/14/0023. These ecological conditions do not need to be replicated as part of this reserved matters application and are subject to the separate discharge of conditions process. The County Ecologist did make some comments about the proposed mix of wildflower planting and suggested that an alternative mix would be preferable from an ecological point of view. This has been incorporated into a revised landscaping scheme that will form one of the approved drawings on any forthcoming permission.

Other matters

Noise (Environmental Health)

The comments from the Environmental Health Officer are noted in respect of noise and the design of the development to provide a quiet noise environment for future occupiers. It is considered that the proposed layout and design of the scheme is acceptable in that respect..

Parish Council's comments regarding the shop and school

It is acknowledged that the Parish Council have questioned why a shop does not form part of these proposals for Phase 1b when it was referred to in the outline application. However, officers have had regard to the fact that the outline permission, whilst including reference to a shop in the description of development, was only accompanied by indicative layouts, none of which were approved when outline permission was given. Furthermore, no condition was imposed on the outline permission, nor is there any provision within the associated S.106 agreement to ensure that a shop is delivered as part of the Phase 1 development. There is therefore no mechanism to insist that a shop forms part of the proposal at this stage and the application must be assessed on its merits based on the plans put before the Local Planning Authority. In this instance, the applicants have put forward a case that with the proximity of Warwick Gates and all of its associated services and facilities there would be little need for a shop to specifically serve this particular phase of development. Moreover, just a short distance away is Bishops Tachbrook local shop and in the wider area there is a vast array of supermarkets on the periphery of Leamington Spa/Warwick. Taken on its own merits, the proposed Phase 1b development is considered to be acceptable without a shop forming part of the proposals, and more fundamentally, in the absence of any condition or S.106 obligation requiring the delivery of this facility, this would not be a reason on which to base an objection.

With regard to the school, the concerns of the Parish Council are noted about its position changing from the centre of the site to the eastern edge, however, again, the outline plans were only indicative and the safeguarded area shown in this reserved matters submission is considered to be acceptable in principle, subject of course to a subsequent application for the development at a later date which would then be considered on its own merits. Similarly, while the comments about the road widths are noted and the ability for vehicles to safely drop off and pick up school children is not a matter for consideration at this time because the safeguarded land for the school is not within the application site edged red and as such cannot be considered under this application.

SUMMARY/CONCLUSION

The proposed development is considered to provide a high quality residential environment in accordance with the garden suburbs principles, including an appropriate mix of market and affordable housing and acceptable dwelling house and layout design solutions, including landscaping and public open space, relevant to this particular phase of the development. The scheme therefore complies with the policies listed and accordingly it is recommended that planning permission be approved.

- 1 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 79-1 Rev.E, 79-2 Rev.B, 83 Rev.A, 84 Rev.A, 85-1 Rev.A, 85-2, 86-1 Rev.A, 86-2 Rev.B, 87-1 Rev.A, 87-2 Rev.A, 88-1 Rev.B, 88-2, 89-1 Rev.A, 89-2 Rev.A, 90-1 Rev.A, 90-2 Rev.A, 91-1 Rev.A, 91-2, 92-1 Rev.A, 92-2, 93-1 Rev.A, 93-2, 94 Rev.B, 95 Rev.B, 96 Rev.B, 97 Rev.B, 98-1 Rev.N, 98-2 Rev.C, 110-1 Rev.A, 111, 115 Rev.A, 116 Rev.A, 117-1 and 117-2 and specification contained therein, submitted on 11 January 2017 and 82 Rev.C, 133 and 133-1, and specification contained therein, submitted on 19 April 2017 and 70 Rev.N, 112-1 Rev.B, 112-2 Rev.B, 112-3 Rev.B, 130 Rev.B, 132 Rev.A, 132-1 Rev.A and 134 Rev.A, and specification contained therein, submitted on 4 May 2017. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

- 2 Other than site clearance and preparation works no works shall commence on the construction of the development hereby permitted until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. **REASON**: To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.

- 3 The landscaping scheme submitted as part of the application hereby

permitted shall be completed, in all respects, not later than the first planting season following the completion of each phase of the development hereby permitted. Any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees of similar size and species to those originally required to be planted. **REASON:** To protect and enhance the amenities of the area, and to satisfy the requirements of Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011.

- 4 No structure, tree or shrub shall be erected, planted or retained within the visibility splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway. **REASON:** In the interest of highway safety in accordance with policy DP6 of the Warwick District Local Plan 1996-2011.

- 5 No utility pipe works or cabinets are to be placed on the exterior walls of the undercroft vehicular accesses that measure a width of less than 5.5 metres. **REASON:** In the interest of highway safety in accordance with policy DP6 of the Warwick District Local Plan 1996-2011.

Planning Committee: 23 May 2017

Item Number: 11

Application No: [W 17 / 0231](#)

Registration Date: 27/02/17

Town/Parish Council: Beausale, Haseley, Honiley & Wroxall
Case Officer: Emma Spandley
01926 456539 emma.spandley@warwickdc.gov.uk

Expiry Date: 24/04/17

**The Barn, Camp Hill Farm, Kites Nest Lane, Beausale, Warwick, CV35
7BF**

Erection of timber framed poultry protection pen/enclosed run and timber framed & aluminium clad green house FOR Mr. Greg Meadwell

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The application proposes to erect a timber framed poultry protection pen/enclosed run and a timber framed and aluminium clad green house.

THE SITE AND ITS LOCATION

The application property is a Grade II listed barn in Beausale, Warwick. The property dates from the 17th Century, constructed with a timber A-frame with braces, infilled with brick, complete with later Victorian additions and converted into residential use in 1984. The barn is sited with the main 17th Century farmhouse to the north, and sits within a collection of farm buildings including a granary. The property is also immediately adjacent to but not part of a scheduled multivariate iron-age hill fort. The property has modern timber windows, doors, railings, and a mix of modern metal and uPVC guttering. The site is washed over by Green Belt.

RELEVANT PLANNING HISTORY

W/90/1239 - Conversion of redundant barns to form 3no. dwellings with car ports - Granted, 27th November 1990. Parts 1 and 2 permitted development rights were removed by condition.

RELEVANT POLICIES

- National Planning Policy Framework
- [The Current Local Plan](#)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)

- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
- DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- RAP7 - Converting Rural Buildings (Warwick District Local Plan 1996 - 2011)
- Guidance Documents
- Agricultural Buildings and Conversion - Barns (Supplementary Planning Guidance)

SUMMARY OF REPRESENTATIONS

Beausale, Haseley, Honiley & Wroxall Parish Council - Support

Historic England - No objection. Have granted Scheduled Ancient Monument Consent.

WCC Ecology – Recommend amphibians and reptiles note.

ASSESSMENT

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

- Whether the proposal constitutes appropriate development in the Green Belt and, if not, whether there are any very special circumstances which outweigh the harm by reason of inappropriateness and any other harm identified;
- The impact on the character and appearance of the listed barn conversion;
- The impact on residential amenity.

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

The National Planning Policy Framework (NPPF) states that the essential characteristics of Green Belt are openness and permanence. Paragraph 89 of the NPPF states that the construction of new buildings is inappropriate development in the Green Belt unless one of the exceptions listed is met.

The proposals are for a domestic greenhouse and chicken run, which do not fall under any of the exceptions listed in the NPPF. Therefore, the proposed outbuildings are considered to be inappropriate development within the Green Belt and are harmful by definition and by reason of harm to openness. No very special circumstances have been provided which would outweigh the harm identified.

Character and appearance of the listed barn conversion

Policy RAP7 of the Warwick District Local Plan and the Agricultural Buildings and Conversion Barns SPG covers any alterations or adaptations to a barn

conversion. Traditional buildings historically reflected the local vernacular of their area. In Warwick District the prevailing character is agricultural buildings with brick, timber and clay tiled roofs. Barns were essentially used for the storage of cereal crops, their threshing and subsequent winnowing.

Therefore the barn's rural character, its *raison d'etre* is of paramount importance. The introduction of domestic elements is considered visually harmful to this. It is essential to respect the agricultural setting of the building complex.

Farmsteads and their buildings are required to be understood in terms of the function or functions they were intended to accommodate. Their scale and form are directly related to the historic land use of the area, which is also reflected in the wider landscape. A balance is required to be struck between incorporating practical requirements of the new use and protecting the special character and significance of the farm building and its setting. To this end, when barns are granted permission to be converted into another use, especially residential, all permitted development rights are removed to ensure any proposed development respects the agricultural character of the building and the setting of the barn.

The proposed outbuildings add a further domestic element to the setting of these former agricultural buildings which is considered to harm their setting.

It is acknowledged that Historic England have raised no objections to the siting of the proposed buildings in relation to the Scheduled Ancient Monument, however, their assessment is based solely on whether the proposals would have a harmful impact on the earthworks to the rampart.

Taking all of the above into account, the introduction of domestic buildings within the setting of this barn conversion is considered to have a detrimental impact on the character and setting of the Grade II listed barn conversion.

The harm is considered to be less than substantial but is not outweighed by any public benefits.

Impact on residential amenity

There are no immediate neighbours which will be impacted by the proposed outbuildings.

CONCLUSION

The proposed development would be inappropriate development in the Green Belt harmful by definition and by reason of harm to openness. There are not considered to be any very special circumstances which outweigh the harm identified. The proposal is also considered to be harmful to the rural setting and integrity of the listed barn conversion through the introduction of further domestic features.

REFUSAL REASONS

- 1 The application site is situated within the Green Belt. The National Planning Policy Framework (NPPF) contains a general presumption against "inappropriate" development within the Green Belt and lists specific forms of development which are deemed to be "appropriate".

The erection of a building within the Green Belt is inappropriate development. The proposals are for a domestic greenhouse and chicken run, which do not fall under any of the exceptions listed in the NPPF. Therefore, the proposed outbuildings are considered to be inappropriate development within the Green Belt harmful by definition and by reason of harm to openness. No very special circumstances have been submitted which would outweigh the harm identified.

- 2 Policy DAP4 seeks to protect listed buildings and their settings. Policy RAP7 of the Local Plan and the Agricultural Barn Conversion SPG seek to retain the original character and integrity of barns. Farmsteads and their buildings are required to be understood in terms of the function or functions they were intended to house. Their scale and form are directly related to the historic land use of the area, which is also reflected in the wider landscape. The proposed outbuildings will add domestic buildings within the curtilage of a former barn. They do not relate to its former function and one would not expect to see these domestic elements within a small holding / farmstead and they would therefore harm the setting of the listed barn conversion and would be contrary to the aforementioned policies.

Planning Committee: 23 May 2017

Item Number: 12

Application No: W 17 / 0741 LB

Town/Parish Council: Warwick

Registration Date: 19/04/17

Case Officer:

Emma Spandley

Expiry Date: 14/06/17

01926 456539 emma.spandley@warwickdc.gov.uk

33 Bridge End, Warwick, CV34 6PB

Erection of a two storey rear extension FOR Mr & Mrs Colin Rowe

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The application proposes to erect a two storey rear extension. The ground floor element will project 4.7 metres from the rear wall with a first floor element above, accessed via a partially glazed link walkway.

THE SITE AND ITS LOCATION

The application relates to a Grade II Listed building located on the south side of Bridge End. The two properties were once one house, originally said to be of 14th Century origin. The present structure is 16th Century 2 storey plus attic building. The property is situated in the Warwick Conservation Area.

RELEVANT PLANNING HISTORY

W/79/1268 - Erection of a single storey rear extension to form shower room, granted 8th November 1979.

W/82/0110 - Alterations to front porch, granted 15th March 1982

W/83/0120 - Demolition of conservatory at rear and erection of single storey kitchen extension, granted 17th June 1983.

W/12/0829 - Erection of new partition walls and en suite after removal of existing shower/wash area and wardrobes, granted 24th September 2012.

W/16/0618/LB & 0617 - Erection of a two storey rear extension, withdrawn, due to the unacceptability of the scheme.

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- The Emerging Local Plan
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

SUMMARY OF REPRESENTATIONS

Cllr Ashford: Supports the proposal; the proposals tick the boxes for a property of this age and the distance separation to the properties either side compliment.

Public Response: The application was submitted with 6 letters of support.

No.27 Bridge End - No objections to the extension as it would be partly obscured from view by the intervening distance, trees and other vegetation.

No.31 Bridge End - No objections.

No.35 Bridge End - No objections.

No.37 Bridge End - No objections, it will have little if no impact visually on their property due to the pre-existing extension at No.3 Bridge End.

No.69 Bridge End - No objections - the extension will not be intrusive or have any effect on their home and garden.

ASSESSMENT

The main issue relevant to the consideration of this application is the impact on the special architectural and historic character and appearance of the listed building.

Sections 16 (2) and 66 (1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* Act require the decision maker to have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses. Section 72 (1) refers to the special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

Policy DAP4 states that consent will not be granted to alter or extend Listed Buildings where those works will adversely affect its special architectural or historic interest, integrity or setting. Policy DAP8 states that development will be required to preserve or enhance the special architectural and historic interest and appearance of Conservation Areas.

Both Brome Place and Little Brome (listed jointly, and originally one large house) are significant heritage assets both nationally and specifically within the context of the local historic environment. Originally built in the 14th Century with most of the current fabric dating from the 16th Century, the property has architectural merit as a surviving example of both medieval and early modern architectural styles, materials, and techniques. It also has historic merit as illustrative of the medieval origins of the suburb of Bridge End, an integral area in the development of Warwick within the immediate setting of the 11th Century castle.

Whilst the main decorative architecture is to the front of the property, the rear still has evident value. This elevation is relatively architecturally simple (and is quite small) with visual emphasis on key elements such as the attractive dormers, large tiled roof, and timber-frame.

The addition of a two storey extension as proposed is considered to be harmful to the listed building for the following key reasons:

- Whilst the addition of a glazed link is evidently intended to address some of the concerns raised in the 2016 application – namely the physical impact on the valuable timber-frame – it does appear the extension will still be built off from the timber stud work and, therefore reasonably likely to lead to damage.
- The addition of a second floor overbears the structure through the addition of a new element that is both tall and wide, drawing attention away from the key features mentioned above. Furthermore, the extension appears as deep, if not deeper, than the host building, and is thus not subservient.
- The way in which the distinct sections of the extension (one storey protrusion from the kitchen, first floor addition, and glazed link) interact with each other (i.e. with differing rooflines, widths, etc) creates quite complex and incongruous architectural lines in conflict with the simplicity of the host elevation when viewed both from the rear (particularly the tapering effect) and side (particularly the difference in rooflines).

Overall, the proposal will negatively impact the architectural merit of the property through (1) damaging/removing historic fabric and (2) introducing a large, dominating, and architecturally complex structure onto a relatively simple and traditional historic elevation.

The harm to the character and appearance of the listed building and the conservation area would be less than substantial, however, the NPPF sets out that any harm to a designated heritage assets requires clear and convincing justification and where the harm is judged to be less than substantial it should be weighed against any public benefits. In this case the principal public benefit for the domestic extension would be continued investment into a Grade II Listed building, if the scheme was otherwise acceptable. However, the building is not designated 'at risk' and there is no evidence that it is deteriorating, therefore it is considered that the harm to its historical and architectural asset outweighs the potential public benefits of extending the domestic dwelling.

It is therefore concluded that the public benefits would not be sufficient to outweigh the harm the proposed extension would cause to the designated heritage asset.

CONCLUSION

The extension to which this application relates is incongruous in design, bulk and resultant massing which does not harmonise with the Grade II Listed Building. The proposal will negatively impact the architectural merit of the property through (1) damaging/removing historic fabric and (2) introducing a large, dominating, and architecturally complex structure onto a relatively simple and traditional historic elevation.

The public benefits of the proposal are not sufficient to outweigh the harm the proposed extension would cause to the designated heritage asset.

REFUSAL REASONS

- 1 Policy DAP4 of the Warwick District Local Plan 1996 – 2011 & Policy HE1 of the Draft Local Plan 2011 – 2029, both state that consent will not be granted to alter or extend a Listed Building where those works will adversely affect its special architectural or historic interest, integrity or setting. The overall objectives of these policies are broadly consistent with the NPPF, which requires clear and convincing justification for harm to a designated heritage asset and (in the case of less than substantial harm) that the harm be weighed against the public benefits of the proposal.

The extension to which this application relates is incongruous in design, bulk and resultant massing which does not harmonise with the Grade II Listed Building. The proposal will negatively impact the architectural merit of the property through (1) damaging/removing historic fabric and (2) introducing a large, dominating, and architecturally complex structure onto a relatively simple and traditional historic elevation.

In this case the principal public benefit for the domestic extension would be continued investment into a Grade II Listed building. However, the building is not designated 'at risk' and there is no evidence that it is deteriorating.

It is therefore concluded that the public benefits of the proposal are not sufficient to outweigh the harm the proposed extension would cause to the designated heritage asset.
