

A meeting of the above Committee will be held in the Town Hall, Royal Leamington Spa, on Wednesday 4 March 2020 at 6.00pm.

Councillor Boad (Chairman)

Councillor Morris (Vice Chairman)

Councillor M Ashford

Councillor N Murphy

Councillor R Dickson

Councillor W Roberts

Councillor T Heath

Councillor J Weber

Councillor J Kennedy

Vacancy - Conservative

Councillor V Leigh-Hunt

## Emergency Procedure

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

## Agenda

### Part A – General

#### 1. Apologies & Substitutes

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

#### 2. Declarations of Interest

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

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

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

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

#### 3. Site Visits

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

## **Part B – Planning Applications**

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

- |    |   |                        |
|----|---|------------------------|
| 4. | <b>W/19/1833 – Heathfield, Leicester Lane, Stoneleigh</b>             | <b>(Pages 1 to 5)</b>  |
| 5. | <b>W/19/1887 – 12 Coventry Road, Baginton</b>                         | <b>(Pages 1 to 9)</b>  |
| 6. | <b>W/19/1977 – Ranibagh, Mill Lane, Little Shrewley, Shrewley</b>     | <b>(Pages 1 to 13)</b> |
| 7. | <b>W/19/2006 – Unit 1, Moss Street, Royal Leamington Spa</b>          | <b>(Pages 1 to 11)</b> |
| 8. | <b>W/19/2095 – 18 Taylor Avenue, Lillington, Royal Leamington Spa</b> | <b>(Pages 1 to 4)</b>  |
| 9. | <b>W/20/0121 – 129 Warwick New Road, Royal Leamington Spa</b>         | <b>(Pages 1 to 3)</b>  |

Please note:

- (a) the background papers relating to reports on planning applications are open to public inspection under Section 100D of the Local Government Act 1972 and consist of all written responses to consultations made by the Local Planning Authority in connection with the planning applications referred to in the reports, the County Structure Plan Local Plans and Warwick District Council approved policy documents.
- (b) all items have a designated Case Officer and any queries concerning those items should be directed to that Officer.
- (c) in accordance with Council's Public Speaking Procedure, members of the public can address the Planning Committee on any of the planning applications or Tree Preservation Order reports being put before the Committee. If you wish to do so, please call 01926 456114 (Monday to Thursday 8.45am to 5.15pm and Friday 8.45am to 4.45pm) or email [committee@warwickdc.gov.uk](mailto:committee@warwickdc.gov.uk) any time after the publication of this agenda, but before 12 noon on the working day before the day of the meeting and you will be advised of the procedure.
- (d) please note that the running order for the meeting may be different to that published above, in order to accommodate items where members of the public have registered to address the Committee.
- (e) occasionally, items are withdrawn from the agenda after it has been published. In this instance, it is not always possible to notify all parties interested in the application. However, if this does occur, a note will be placed on the agenda via the Council's website, and where possible, the applicant and all registered speakers (where applicable) will be notified.

Published Monday 24 February 2020

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

Telephone: 01926 456114  
E-Mail: [committee@warwickdc.gov.uk](mailto:committee@warwickdc.gov.uk)

For enquiries about specific reports, please contact the officers named in the reports.  
You can e-mail the members of the Committee at  
[planningcommittee@warwickdc.gov.uk](mailto: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](http://www.warwickdc.gov.uk/committees)

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

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

**Planning Committee:** 04 March 2020

**Item Number:** 4

**Application No:** [W 19 / 1833](#)

**Town/Parish Council:** Stoneleigh  
**Case Officer:** Andrew Tew

**Registration Date:** 19/11/19  
**Expiry Date:** 14/01/20

01926 456555 [andrew.tew@warwickdc.gov.uk](mailto:andrew.tew@warwickdc.gov.uk)

**Heathfield, Leicester Lane, Stoneleigh, Leamington Spa, CV32 6QZ**  
Two storey purpose built domestic dwelling FOR Mr D White  
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This application is being presented to Committee as over 5 letter of support for the application have been received and it is recommended for refusal.

### **RECOMMENDATION**

Planning Committee are recommended to refuse permission.

### **DETAILS OF DEVELOPMENT**

Planning permission is sought for the proposed development of a two storey, four bedroomed dwelling in the Green Belt.

### **THE SITE AND ITS LOCATION**

The site is located off the A445, Leicester Lane in open countryside. The proposed route of HS2 passes within 500m of the application site. The site is washed over by Green Belt. The proposed development would be in close proximity to "Heathfield", a large, detached property owned by the applicant. An existing stable block would be demolished as part of the proposal.

### **PLANNING HISTORY**

The site has no planning history.

### **RELEVANT POLICIES**

- National Planning Policy Framework
- [The Current Local Plan](#)
- DS18 - Green Belt
- H1 - Directing New Housing
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- [Guidance Documents](#)

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

## **SUMMARY OF REPRESENTATIONS**

**Stoneleigh and Ashow Parish Council** – No objection.

**WCC Highways** – No objection.

**WCC Ecology** – No objection.

**WCC Landscape** – Objects.

**Public Response** - 8 letter of support making the following comments;

- People drive past the site daily and deem it a good location for development
- The impact of HS2 on the area
- Good to facilitate care for disabled
- Saves the council money

## **ASSESSMENT**

### Principle of development

Policy H1 sets out a hierarchy of where new housing will be permitted. New dwellings in the open countryside, which is what this site is classed as, will only be supported where they meet a number of criteria set out within Part d of the Policy. This includes where the site is adjacent to the boundary of the urban area of a growth village and; meets an identified housing need and; is a small scale development that will not have a negative impact on the character of the settlement and the capacity of services within it and; is within a reasonable and safe walking distance of services or public transport to services and will not adversely affect environmental assets unless they can be mitigated for.

The application is outline, with approval sought for access, appearance, layout and scale. Nevertheless, the site is not adjacent to the boundary of the urban area or a growth village. Furthermore, there is no identified housing need to which the proposed development can contribute. Finally, the nearest services are located at Cubbington approximately 1.7 miles away and cannot be accessed safely on foot due to a lack of footpaths and street lighting.

Having considered the above, the proposal fails to meet the requirements set out in Policy H1. The site is considered to be an unsustainable location which is also contrary to the NPPF.

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

As the site lies within the West Midlands Green Belt, the proposal must be assessed against Policy DS18 of the Local Plan. The policy states

development must be in accordance with the National Planning Policy Framework (NPPF) Green Belt provisions. Paragraph 145 states that any new buildings in the Green Belt are inappropriate unless one of the exceptions contained in that paragraph are met. The proposals does not meet any of these exceptions and therefore represent inappropriate development within the Green Belt.

Para. 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Para. 144 goes on to state that, when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. "Very special circumstances" will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

The erection of a dwelling would introduce notable built form to the application site. Whilst an existing outbuilding would be removed, totalling 42.2sqm, this is a considerably smaller scale than the proposed dwelling and is not in the same use currently. Furthermore, it is reasonable to expect that the new dwelling would generate a need for new outbuildings. The existing dwelling may well also have a need for replacement outbuildings in the future. In any case, the proposed dwelling would have a larger footprint and volume than the existing outbuilding. Consequently, there would be a reduction in the openness of the Green Belt.

The very special circumstances put forward by the applicant are three-fold. Firstly, that the advent of HS2 within 500m of the property will have a significant effect on the immediate locality and that Leicester Lane, the access road to the property, will be diverted and become a cul-de-sac. Secondly, that medical needs of the applicant's sister are unable to be met in the existing house and the proposed development would provide suitable facilities for the care from professionals and immediate family. Finally, the religious beliefs of the family are such that they are unable to eat or drink with non-members of their church, as such they refrain, where possible, from admitting family members to a care home. I will address these in turn.

The development of HS2 will have a significant effect on the area covered by Warwick District Council. However, the presence of the HS2 route 500m away from the site cannot constitute very special circumstances because this would set a precedent for residential development on a vast swath of land a similar distance and closer to the line across the District.

Furthermore, if the property in-situ is going to be affected by the advent of HS2 to such an extent as to justify very special circumstances, it seems inconsistent to grant permission for another dwelling that would be similarly adversely affected. As such, this does not constitute very special circumstances.

Turning to the personal circumstances put forward by the applicant, whilst sympathy is felt for their situation, the established approach to dealing with personal circumstances in assessing planning applications and appeals is that

these matters are temporary, whereas the harm caused to the Green Belt would be permanent. Furthermore, the erection of a new dwelling in the Green Belt is not the only way of meeting the applicant's needs.

The applicant has also cited their religious beliefs as part of the very special circumstances. As a member of the Plymouth Brethren Christian Church the applicant does not eat or drink (have fellowship) with those who are not members of the church. They therefore refrain, where possible, from admitting family members to a care home that is occupied by non-brethren. However, these are relatively short-term, personal considerations, which are not considered to constitute very special circumstances. In any case, in stating that they "refrain, where possible", it would appear that the admission of Church members to care homes is not forbidden on religious grounds.

For the above reasons it has been concluded that the proposals represent inappropriate development that would cause harm to the Green Belt by reducing openness and are contrary to Policy DS 18.

#### Impact on character of surrounding area

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

The design of the proposed development is well considered with red-facing brickwork and stained timber weather boarding, the mass and bulk of the proposed design be in keeping with the other property on the site.

As such, the application accords with Policy BE1.

#### Impact on Local Amenity

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

The proposed development has no immediate neighbours, other than "Heathfield". The plot is a large enough size where the amenity of "Heathfield" is not adversely effected.

As such, the application accords with Policy BE1.

#### Access and Parking

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

The Highways Authority were consulted on the application and raised no objections. There is sufficient space for the provision of the required number of parking spaces as set out in the Parking Standards SPD. As such the issue of access is considered acceptable having regard to Policies TR1 and TR3.

### Ecology

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

WCC Ecology have no objection to the scheme but recommend a Preliminary Ecological Appraisal and Biodiversity Impact Assessment is submitted prior to determination. However, as this is an outline application, it is considered that these requirements can be secured via condition if permission is forthcoming.

I therefore consider that the proposal is acceptable having regard to Policy NE3.

### **Other Matters**

WCC Landscape objects, requiring a tree survey and hedge planting prior to determination. However, as this is an outline application, with landscaping reserved, it is considered that these requirements can be secured via condition if permission is forthcoming.

### **SUMMARY/CONCLUSION**

The application is recommended for REFUSAL on the grounds outlined above.

### **REFUSAL REASONS**

- 1 The NPPF and Local Plan Policy DS18 state that the erection of new buildings should be considered to be inappropriate development within the Green Belt, subject to certain exceptions. The proposals do not meet any of these exceptions and therefore constitute inappropriate development. Furthermore, the proposals would reduce the openness of the Green Belt.

The NPPF and Policy DS18 state that inappropriate development should only be permitted in very special circumstances. In the opinion of the local Planning Authority the very special circumstances put forward by the applicant do not outweigh the conflict with Green Belt policy or the harm that would be caused to the openness of the Green Belt.

- 2 The site is situated within open countryside. Local Plan Policy H1 and para. 79 of the NPPF state that housing development will not be permitted in open countryside, subject to certain exceptions. The proposals do not comply with any of these exceptions. The proposals therefore constitute an unsustainable form of development that would be contrary to the aforementioned policies.

**Planning Committee:** 04 March 2020

**Item Number: 5**

**Application No:** [W 19 / 1887](#)

**Town/Parish Council:** Baginton  
**Case Officer:** Andrew Tew

**Registration Date:** 18/12/19  
**Expiry Date:** 12/02/20

01926 456555 andrew.tew@warwickdc.gov.uk

**12 Coventry Road, Baginton, Coventry, CV8 3AD**

Detached bungalow in garden of No. 12 Coventry Road FOR Mr Joe Holcroft  
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This application is being presented to Committee due to 9 letters of objection from 6 contributors and an objection from the Parish/Town Council having been received.

**RECOMMENDATION**

It is recommended Planning Permission should be GRANTED.

**DETAILS OF THE DEVELOPMENT**

Planning permission is sought for the construction of one detached dwelling on land to the rear of number 12 Coventry Road, Baginton. The proposed dwelling is a single storey bungalow with a pitched roof and dormer windows and vehicular access off Holly Walk with parking for two cars.

A previous application ref; W/15/0939 was granted for the site. This application has an increased height by 90cm to accommodate bedrooms in the roof space, the other dimensions remain the same.

**THE SITE AND ITS LOCATION**

This application site is land which is currently part of garden of the host property, number 12 Coventry Road. The property is a traditional semi-detached bungalow with gable roof line. The house has been altered in the past by a rear extension. The property sits on the corner of Coventry Road and Holly Walk. The land is currently part of the garden area of number 12.

The site boundary is demarcated by a hedge that steps out towards the pavement. Within the hedge facing Holly Walk is an existing gate to the existing garage with a dropped kerb. The existing hedge returns along the boundary with the neighbouring property (Sheriffs). The site is fairly level. The street scene in this location is mixed with bungalows and two storey houses. The house to the rear/side of the garden area is a two storey dwelling set back from Holly Walk behind a lawn and driveway. The site is within the village of Baginton (within the Growth Village Boundary). The site is no longer in the Green Belt since changes introduced by the adoption of WDC Local Plan in 2017.

## **PLANNING HISTORY**

W/15/0939 - Erection of a 2 bedroomed bungalow to the rear of the existing dwelling.

## **RELEVANT POLICIES**

- National Planning Policy Framework
- The Current Local Plan
- H1 - Directing New Housing
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- NE3 - Biodiversity
- HE4 - Archaeology
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Parking Standards (Supplementary Planning Document)
- Neighbourhood Plan
- Baginton & Bubbenhall Neighbourhood Plan 2018-2029

## **SUMMARY OF REPRESENTATIONS**

**Baginton Parish Council**– Object on the following grounds:

- the proposal is too large for the site;
- the orientation and 2 storey design creates visual intrusion for neighbours; and
- loss of on-street parking due to the dropped kerb removing on-street spaces, exacerbating existing parking issues in this area of Holly Walk

**Coventry Airport** – No objection.

**WCC Ecology** – No objection subject to conditions.

**WCC Landscape** – No objection subject to conditions.

**WCC Archaeology** – No objection subject to conditions.

**Public Response** – 9 letters of objection from 6 contributors making following comments;

- Spoils view from neighbouring properties
- Block light / rights to light
- 45/25 degree line breached
- Overbearing effect on other properties
- Building visible from other properties
- Existing properties planned and built for maximum privacy
- Parking on road causing highway safety issues
- Lack of parking provision
- Inappropriate development in Green Belt
- Rear dormers looking into neighbours
- Roof lights further ruin outlook from surrounding properties
- Over development of small plot
- Ruin open nature of street scene

- Garden space too small for proposed property
- Development not in dip, therefore taller
- Bins at front of house unacceptable
- Impact on hedging overlooked
- Erroneous drawings
- No dimensions on plans
- Application description of “detached bungalow” a misrepresentation
- Boundary line misrepresented
- Not in keeping with Baginton Neighbourhood Plan
- Not in keeping with WDC Residential Design Guide

## **ASSESSMENT**

The main considerations in assessing this application are as follows:

- The principle of development;
- Character of the local area;
- Neighbours amenity;
- Highway safety;
- Other matters of ecology and archaeology.

### Principle of development

Policy H1 of the Local Plan refers to directing new residential development. Baginton is identified as a growth village where new residential development is considered acceptable in principle, subject to an assessment of site-specific criteria.

The site is located within the settlement boundary of Baginton and is therefore considered as an appropriate location for a new, single dwelling.

### Impact on character of surrounding area

Section 12 of the National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions.

Warwick District Council's Local Plan 2011 - 2029 policy BE1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area. Finally, the Residential Design Guide sets out steps which must be followed in order to achieve good design in terms of the impact on the local area; the importance of respecting existing important features; respecting the surrounding buildings and using the right materials.

The proposed dwelling will sit partially on the footprint of an existing outbuilding. The proposed dwelling will be viewed as a bungalow with dormer windows within the Holly Walk street scene and will continue to provide satisfactory gaps between built form and the side boundaries to avoid appearing cramped within the context of the location. It is noted that the proposed dwelling is taller than the previously approved scheme (planning ref: W/15/0939) by 90cm, however, this is still significantly lower than the two storey properties in the locality. Sheriffs, set back from the proposed property is significantly taller as a two story property with a steeply pitched roof. It is noted "The Willows" to the immediate South is set down in a dip, however, this is an anomaly in the street scene with its immediate neighbour to the East set on level ground. This suggests that the street scene is very varied and the proposed development will fit into the street scene.

Although the plot width is clearly narrower than some other surrounding properties, the scheme is considered to be well-proportioned and will assimilate into the existing street scene. The design is appropriate as it relates well to the host property. The proposed development will be seen from neighbouring properties, yet accords with separation distance guidelines. It is noted that there is a significant mix of dwelling house types, styles and ages in the surrounding area, thus allowing some design flexibility for the proposed property, with the Baginton Neighbourhood Plan (placing the proposed site in character area map zone 4) reinforcing homes *"in these areas again comprise a wide variety of forms, including flats, bungalows, terraced homes, semi-detached homes and detached homes"*.

Provision has been made within the proposed development for EV charging, bike parking and waste storage.

The scheme is therefore considered to provide an acceptable design solution and will not have a harmful impact upon the visual amenity of the street scene in this location, in accordance with policy BE1.

#### Impact on neighbours' amenity

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

The proposed dwelling house has no habitable rooms facing the host property as the main windows face towards the road and garden area. As part of the proposal the applicant has indicated that an existing conservatory be removed from the host dwelling. As this site remains within the applicants control it may be suitably controlled by the imposition of a condition to ensure this work is carried out prior to the commencement of the development on site. Given the oblique angle there would be no material overlooking or loss of sunlight as the proposed property remains a single storey.

The proposed property is offset to the house to the rear of the plot (Sheriffs). The nearest first floor window in Sheriffs serves a bathroom and has obscure glazing. Given the offset of this house to the proposed plot there would be minimal overlooking. The applicant has reduced the size of a proposed dormer to the rear of the property to minimise the perception of overlooking to the property at the

rear. Two of the clear glazed windows from the dormer have been replaced with roof lights. The remaining bathroom window in the dormer will be obscure glazed and fixed.

A proposed door opening onto the garden from the kitchen has also been removed from the original design to ensure compliance with distance separation guidelines. A distance of 16m between the downstairs window of Sheriffs (used as an office) and the living room of the proposed development is deemed sufficient due to the angle between the two properties and the boundary treatments in place.

Due to the orientation of the proposed dwelling in relation to its immediate neighbours, the 45 degree rule is not appropriate. Objector's have also referred to a "25 degree rule", but no such rule is used by WDC.

The necessary separation distances to other surrounding properties and all window-to-window separation distances will be met so the scheme is not considered to result in any significant impact upon the amenities of the occupiers of other surrounding properties.

Following sub-division of the plot it is considered that Number 12 Coventry Road will retain an adequately adequate amenity space, as will the new proposed dwelling.

Overall, I am satisfied that the development adheres to Policy BE3.

#### Highway Safety

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

The site contains adequate space for the parking of vehicles. The County Highways Officer has assessed the scheme and raised no objection subject to conditions. They note that the proposed dwelling is unlikely to worsen the parking situation, as it provides sufficient parking for its own needs.

Therefore, the proposed development accords with Policies TR1 and TR3.

#### Archaeology

The County Archaeologist has assessed the proposal and raised no objection subject to the imposition of a condition requiring investigative works and mitigation for archaeological deposits.

As such, the proposal accords with Policy HE4.

#### Ecology

WCC Ecology raise no objection, subject to notes as per the planning ref: W/15/0939 approval, in relation to protected species and nesting birds.

As such, the proposal accords with Policy NE3.

#### Other Matters

In relation to comments received regarding erroneous drawings. Whilst there were no numerical dimensions on all submitted plans, with the implication the drawings did not give a true representation, all drawings were to scale and had the relevant scale bars supplied in line with WDC's Local Validation Check list. Similarly, the red line showing the proposed site was amended up to the highway boundary as a dropped curb is contained within the proposal.

Comments received in relation to over-development, loss of privacy, dominance over adjoining dwellings and securing a reasonable standard of amenity and outlook for local residents', is previously addressed in the report. Whilst it is acknowledged the development will have an impact in regards to these considerations, the plot is of a significant enough size to accommodate the development in line with the policies considered and addressed above.

#### **SUMMARY/CONCLUSION**

In the opinion of the Local Planning Authority, the proposal is considered to comply with the policies listed and therefore the application should be GRANTED.

#### **CONDITIONS**

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) P/02 REV C, P/03 REV C and P/04 REV C and specification contained therein, submitted on 29/01/2020 & 06/02/2020. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 The development hereby permitted shall not commence unless and until a hard and soft landscaping scheme has 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 for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first

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

- 4 No development shall take place until:
- a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work shall be submitted to and approved in writing by the LPA in consultation with the Warwickshire County Council Archaeological Information and Advice team.
  - b) the programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI is to be undertaken. A report detailing the results of this fieldwork is to be submitted to the planning authority.

**REASON :** To ensure a satisfactory programme of works is undertaken to secure and assess any archeological remains in connection to the site in accordance with Policy HE4 of the Warwick District Local Plan 2011-2029.

- 5 No development shall commence unless and until details of surface and foul water drainage works have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with the approved details. **REASON:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029.
- 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 further development shall take place within the curtilage of the dwellinghouse hereby permitted. **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 BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 7 No development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details. **REASON:** To ensure that the proposed development

has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

- 8 Prior to the occupation of the development hereby permitted, the first floor window in the west elevation shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed window(s) shall be retained and maintained in that condition at all times. **REASON:** To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029.
- 9 The accesses to the site for vehicles shall not be used until a public highway footway crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority. **REASON :** In the interest of highways safety in accordance with Policy BE1 of the Warwick District Local Plan 2011 - 2029.
- 10 The development hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved has been submitted to and approved in writing by the Local Planning Authority. No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **REASON:** To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policy FW3 of the Warwick District Local Plan 2011-2029
- 11 The development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Air Quality and Planning Supplementary Planning Document (January 2019) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan.
- 12 The access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a bound material for a distance of at least 7.5 metres as measured from the near edge of the public highway carriageway. **REASON :** In the interests of highway safety and in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

- 13 The areas indicated on the approved drawings for vehicular manoeuvring space and parking shall at all times be kept free of obstruction and be available for those purposes unless otherwise agreed in writing by the local planning authority. **REASON:** To ensure that a satisfactory provision of off-street car parking and turning facilities are maintained at all times in the interests of the free flow of traffic and highway safety in accordance with Policies TR1 & TR3 of the Warwick District Local Plan 2011-2029.
- 14 The existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any tree(s) or shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with tree(s) and shrub(s) of such size and species details of which must be submitted to and approved by the local planning authority. All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces). **REASON:** To protect those trees and shrubs which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1 & BE3 of the Warwick District Local Plan 2011-2029.
- 15 The dwelling hereby permitted shall not be occupied unless and until the conservatory on the rear of the existing dwelling at No. 12 Coventry Road has been demolished in accordance with approved drawing no. P02C. **REASON :** To allow adequate separation between the existing and proposed property and to allow sufficient external private amenity space for both properties, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.
-

**Application No:** [W 19 / 1977](#)

**Town/Parish Council:** Shrewley  
**Case Officer:** Helena Obremski

**Registration Date:** 10/12/19  
**Expiry Date:** 04/02/20

01926 456531 [Helena.Obremski@warwickdc.gov.uk](mailto:Helena.Obremski@warwickdc.gov.uk)

**Ranibagh, Mill Lane, Little Shrewley, Shrewley, Warwick, CV35 7HN**

Proposed erection of two 3-bedroom dwellings. FOR Mr & Mrs Saunders

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

**RECOMMENDATION**

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

**DETAILS OF THE DEVELOPMENT**

The application seeks planning permission for the erection of two 3-bedroom dwellings, with associated parking and access arrangements. The proposal is for detached, two storey dwellings which would benefit from side facing gardens and includes the widening of the existing rear access to the site. The scheme provides two off street car parking spaces for each dwelling.

**THE SITE AND ITS LOCATION**

The application relates to part of the amenity area serving Ranibagh, a dwelling to the south west of the site which faces Mill Lane. The application site fronts onto Green Lane, is washed over by Green Belt and is located within an infill village boundary. There are two residential properties indirectly opposite the application site to the north west and two dwellings to the south east of the site, which are set back from the road frontage. There was previously an outbuilding which occupied the site, however, this has been demolished. Hardstanding covers part of the application site, which has an existing access and there is hedgerow to the northern boundary.

**PLANNING HISTORY**

W/16/1756 - Outline planning permission with all matters reserved apart from access for erection of 1no. 3 bed detached dwelling - allowed at appeal.

**RELEVANT POLICIES**

- National Planning Policy Framework

## The Current Local Plan

- H1 - Directing New Housing
- H11 - Limited Village Infill Housing Development in the Green Belt
- DS18 - Green Belt
- BE1 - Layout and Design
- BE3 - Amenity
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- CC2 - Planning for Renewable Energy and Low Carbon Generation
- FW1 - Development in Areas at Risk of Flooding
- NE5 - Protection of Natural Resources
- NE4 - Landscape

## Guidance Documents

- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Parking Standards (Supplementary Planning Document)
- Air Quality & Planning Supplementary Planning Document (January 2019)

## **SUMMARY OF REPRESENTATIONS**

**Shrewley Parish Council:** Objection, the proposal represents overdevelopment of the site which is not in keeping with the character of the area. There is no local housing need for the development. Limited parking provision with lack of any on street parking. Loss of light and privacy to neighbouring properties. Loss of hedgerow is harmful to street scene and will result in loss of biodiversity.

**WCC Landscape:** No objection, recommends that trees and hedges to be retained are adequately protected and a landscape plan is provided.

**WCC Ecology:** No objection, subject to condition and notes.

**WCC Highways:** No objection.

**Waste Management:** No objection.

**Public Responses:** 13 Objections:

- the development is out of character with the area and would be overly oppressive within the street scene;
- the proposal fails to respond to the appeal Inspector's recommendations and provides a cramped form of development;
- the proposal represents overdevelopment of the site;
- detrimental impact on the landscape, including loss of hedgerow;
- the local housing need survey showed that one additional dwelling was required, which should be a bungalow;

- the dwellings will have very small gardens overlooking neighbouring gardens leading to loss of privacy, which is not in keeping with the character of the village;
- loss of light and outlook to neighbouring properties;
- the proposal would be overbearing and oppressive to neighbouring amenity;
- light pollution to neighbouring properties;
- impact on highway safety;
- inadequate parking, including no visitor or disabled parking available and no on-street parking;
- lack of cycle storage;
- lack of parking for construction and delivery vehicles;
- required visibility splays cannot be achieved;
- vehicles cannot leave the site in a forwards gear;
- impact on nearby trees;
- there is a culvert which would be affected by the proposed development and the Environment Agency should be consulted;
- impact on surface water drainage;
- damage may be caused to grass verge accessing the dwellings;
- loss of hedgerow and impact on biodiversity;
- incorrect plans (existing site plan);
- recommend removal of permitted development rights if approved;
- lack of waste and recycle storage;
- the proposal would not meet with building regulation requirements relating to unprotected areas relating to fire spread;

the amended proposals do not overcome the above objections, loss of privacy is exacerbated and the development would be more oppressive.

## **ASSESSMENT**

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

- Principle of the Development;
- Whether the proposal constitutes appropriate development within the Green Belt;
- Impact on the character of the area;
- The impact on the living conditions of nearby dwellings and living conditions for the future occupiers;
- Car Parking and Highway Safety;
- Drainage and Flood Risk;
- Ecological Impact and Trees;
- Waste;
- Other Matters.

### **Principle of the Development**

Local Plan policy H1 states that new housing will be permitted in Growth Villages and Limited Infill Villages as shown on the proposal maps. Little Shrewley is identified as a Limited Infill Village in the Local Plan, therefore the development is acceptable in principle if it meets the definition of limited infilling in accordance with policy H11, which is explored in more detail below.

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

### *Limited infilling*

Paragraph 133 of the National Planning Policy Framework (NPPF) states that the essential characteristics of Green Belt are openness and permanence. It sets out that inappropriate development within the Green Belt is harmful by definition. Exceptions to inappropriate development in the Green Belt are listed and includes the limited infilling in villages and limited infilling.

Policy H11 of the Local Plan allows housing in Limited Infill Villages in the Green Belt. The policy defines limited infilling as acceptable as long as the development comprises of no more than two dwellings, of 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 as long as 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. There have been objections from members of the public and the Parish Council that the development would be harmful to the character of the area and represents overdevelopment of the site.

Outline permission was allowed on appeal at this site for the erection of one dwelling. While this was before the adoption of the current Local Plan, the Inspector gave substantial weight to Local Plan policy H11, stating that the proposal met the requirements of the policy and therefore met definition of limiting infill development. There have been no changes in the site circumstances since the appeal and although the proposal is now for the erection of two dwellings rather than one, this still meets all of the with the requirements of policy H11 identified above. Therefore, based on the appeal Inspector's conclusion that the site is suitable for limited infill development, the proposal is considered to represent appropriate development within the Green Belt. This is also explored in further detail below.

### The impact on the Character of the Area

The National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions.

Furthermore, Warwick District Council's Local Plan 2011 - 2029 policy BE1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using the appropriate materials and seeks to ensure that the appearance of the development

and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area. Policy NE4 states that new development will be permitted that positively contributes to landscape character. Development proposals will be required to demonstrate that they avoid detrimental effects on features which make a significant contribution to the character, history and setting of an asset, settlement, or area.

The Residential Design Guide sets out steps which must be followed in order to achieve good design in terms of the impact on the local area; the importance of respecting existing important features; respecting the surrounding buildings and using the right materials.

There have been objections from members of the public and the Parish Council who state that the development is out of character with the area and would be overly oppressive within the street scene. Members of the public consider that the proposal fails to respond to the appeal Inspector's recommendations and provides a cramped form of development. Members of the public also express concern regarding the detrimental impact on the landscape, including the loss of hedgerow to the north of the site.

Little Shrewley is a small village with a mixed architectural character. Ranibagh, the existing property associated with the site is a two storey semi-detached dwelling, constructed from red brick, with a tiled roof and gable features fronting the front and side elevations. The properties to the south east are two storey white rendered dwellings with timber detailing. The cottages opposite the side benefit from side facing gables, with pitched roof detailing over one of the porches. There are also white painted and cream rendered detached dwellings within the nearby street scene. The surrounding properties are also of a mixed scale. This highlights the varied nature of the architectural character within the nearby vicinity of the site.

The proposed dwellings would be two storey, constructed from brick and would have pitched roof porch detailing which is similar to that of the property opposite. Further, the ground floor window design is also similar to that of another property nearby. The first floor pitched roof detailing above the windows mimics the ground floor porch details. The final materials would be secured by condition to ensure a high quality and appropriate design which would sit comfortably within the street scene. Given that the proposed design adopts features which are already visible within the nearby area and would therefore not appear out of keeping, the proposed design is considered acceptable. Furthermore, the scale of the dwellings would be akin to the properties diagonally opposite to the site, thus providing an appropriate scale of development.

The loss of some of the hedgerow at the front of the site is considered to be acceptable - this would only be a small section where there is already a gap in the street frontage owing to the existing access, and could also be completed without the need for planning permission.

Members of the public suggest that the proposal does not meet with the comments made by the Inspector relating to the previous appeal on the site. However, the

Inspector raised no concerns regarding the development, and concluded that it was acceptable. It should also be noted that the previous application was for outline permission only and therefore, the Inspector offered no opinion regarding the proposed design of the dwelling, which was provided for indicative purposes only.

Each dwelling would be provided with parking and a private amenity area which meet with the required standards as discussed below in more detail. As the site can comfortably accommodate the two dwellings without appearing contrived or cramped, it is the Officer's view that the development is acceptable within the street scene and would not represent overdevelopment of the site. It is noted that WCC Landscape have no objection regarding the impact of the development on the local landscape.

It is therefore considered that the proposal is in accordance with Local Plan policies BE1 and NE4.

The impact on the living conditions of nearby dwellings and living conditions for the future occupiers

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

*Impact on neighbouring residential amenity*

There have been objections from members of the public and the Parish Council that the proposal would result in a loss of outlook, privacy and light to neighbouring properties. Members of the public consider that the proposal would be overbearing and oppressive to neighbouring amenity, and would result in light pollution to neighbouring properties.

It should be noted that there is an extant outline planning permission granted for one dwelling for this site, although it is recognised that the reserved matters for the design and layout have not been agreed. The dwellings have been designed so that the first floor windows do not face the rear of the site, to avoid overlooking into the garden behind. There would be first floor side facing windows on each dwelling which would face "outwards" towards the neighbouring sites, which serve a bedroom. The application has been amended so that the shared boundary with Ranibagh has been repositioned further to the west. This will ensure that there is a depth of 11 metres between the proposed side facing window and the neighbour's private amenity area. This would be akin to the size of a rear garden where two storey properties face each other at the rear. This increased buffer means that Ranibagh retains a sense of separation and would also retain an

adequately sized amenity which meets the Council's minimum requirements. The relationship between the windows serving Ranibagh and the proposed dwelling nearest this neighbour are such that they are angled away, therefore it is unlikely that there would be any direct perception of overlooking caused as a result of the proposal. This is also an accepted similar relationship for much housing development within the District, where properties "turn the corner" around the public highway.

There are two residential properties to the south east of the site, with 3 Green Lane being the closest. There would be a first floor side facing window which looks towards this neighbour's site. However, this would be into the front amenity area serving the property, which currently is used for the parking of vehicles and is already open to views from public vantage points from the highway. The private amenity area serving this neighbour is set further back and would not experience direct overlooking as a result of the proposed development.

The properties to the north of the site are not immediately opposite to the site and also separated by a road. There would be 15 metres between the proposed dwelling and building line of the property opposite, which would therefore meet the requirements of the distance separation guidance even if the properties were located directly opposite each other. It is therefore not considered that the development would detrimentally impact on these properties.

As there is already permission for one dwelling on this site, it is not considered that the impact of one further dwelling would cause such additional light pollution to neighbouring properties which would warrant reason for refusal of the application.

It is noted that members of the public consider that the proposal would feel overbearing and oppressive. However, the scale of the dwellings and distance from the neighbouring properties are such that Officers do not consider that this would represent a reason for refusal of the application. The proposed dwelling would be approximately 19 metres from 3 Green Lane at the closest points and would be positioned at an angle, such that there would be no substantial impact from windows serving this property. The proposal would breach a 45 site line when taken from the front facing windows serving this neighbour. However as this would be well over the 8 metres away, this is considered to be an acceptable distance which would not cause harm to neighbouring amenity to an extent which would warrant a reason for refusal, in line with the recommendations of the Residential Design Guide.

It is noted that the proposed first floor side facing windows may cause an increased perception of overlooking towards neighbouring properties. However, based on the distance from the neighbouring properties and relationship between the proposed development and neighbours as outlined above, on balance it is not considered that represents a reason for refusal of the application.

A condition will be added which removes the permitted development rights for roof alterations which would permit the extension of the rear roof slope and insertion

of dormer windows which could overlook the private amenity area of the property at the rear of the site.

#### *Living conditions for the future occupiers*

Members of the public consider that the dwellings will have very small gardens which overlook neighbouring gardens leading to loss of privacy, which is not in keeping with the character of the village.

Officers consider that the proposed dwellings would provide appropriate living conditions for the future occupiers. The proposal would provide sufficient private amenity areas for each dwelling in accordance with the Council's adopted relevant guidance. It is noted that the dwellings would have side gardens and that if the hedgerow were removed, this could result in the private amenity areas being overlooked from public vantage points. However, the outline permission which could still be lawfully implemented (subject to the agreement of the reserved matters) would also have to provide a similarly designed garden area, owing to the narrow nature of the site, which the Inspector found acceptable. It is also considered unlikely that the future occupiers would remove the hedgerow as this would be detrimental to their privacy and the hedgerow is already an established part of the rural character of the area. Furthermore, if in the unlikely event that the hedgerow was removed, the low level of passing members of the public is also a factor. Under these specific circumstances, the proposed side gardens are considered acceptable.

The proposed development is therefore considered to comply with the NPPF, Local Plan policy BE3 and the Residential Design Guide.

#### Car Parking and Highway Safety

Members of the public and the Parish Council raise concern regarding the impact of the development on highway safety, inadequate parking, including no visitor or disabled parking available, with no on-street parking. Members of the public also note that there is a lack of cycle storage, lack of parking for construction and delivery vehicles, that the required visibility splays cannot be achieved, and that vehicles cannot leave the site in a forwards gear.

Two parking spaces are provided for each dwelling, which meet with the Council's requirements contained within the Vehicle Parking Standards SPD. There is no visitor parking provided for the dwellings, however, owing to the small scale of the development proposed, there is no requirement for this set out in the adopted standards. Therefore, the proposal is policy compliant in relation to the parking provision. Secure cycle storage could be accommodated within the site boundaries.

WCC Highways have assessed the application and have no objection the proposal. It should be noted that the site already benefits from an existing access. It is noted that vehicles would potentially not be able to leave the site in a forwards gear as there is no turning space. WCC Highways were queried on this and they informed Officers that because of the low speeds associated with this part of the highway

and vehicles reversing, it is not likely to present an issue to highway safety. Officers also note the low volume of traffic which is likely to use this road.

Members of the public have queried whether the required visibility splays can be achieved. This was also raised with WCC Highways who informed Officers that the splays provided are acceptable from a highway safety perspective. WCC Highways have not requested that a construction management plan is provided in this instance. Whilst this may lead to construction vehicles parking within the limits of the highway, it is not considered that this would result in such harm to highway safety to an extent which would warrant a reason for refusal of the application, or need for this to be controlled by condition. Delivery vehicles could park temporarily nearby to the site without causing harm to highway safety. WCC Highways have requested the inclusion of two conditions relating to improvements to the access which will be added.

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

#### Drainage and Flood Risk

Members of the public have raised concerns regarding a culvert which would be affected by the proposed development and request that the Environment Agency are consulted. Members of the public also express concern regarding the impact of the development on surface water drainage.

The site is located within Flood Zone 1, with a low probability of pluvial or surface water flooding. Owing to the scale of the development, there is no requirement to consult with the Environment Agency for this proposal.

A condition will be added for compliancy with Local Plan policy FW3.

#### Ecological Impact and Trees

Concern has been expressed regarding the impact of the proposal, including the loss of hedgerow on wildlife and the impact on nearby trees.

WCC Ecology have assessed the application and note that they hold reptile and amphibian records within the nearby area. They therefore recommend the inclusion of a condition requiring that a method statement is submitted prior to commencement of works on site. This is considered to be reasonable and necessary given the nearby records relating to protected species and will be added. They also recommend notes relating to bats and nesting birds, which will be added.

It is noted that the Inspector for the previous appeal did not consider a similar condition necessary for the purposes of the development, based on the fact that they had not been provided with information on how close the records of great crested newts were to the site, or with detailed evidence that the site would provide a likely habitat for such species. Additional information was sought from WCC Ecology regarding this matter who informed that the breeding great crested newt pond is located approximately 40 metres from the proposed site and that the

rubble piles on the existing site could provide suitable refuge area for newts and hibernation potential. Based on this detailed information, the condition is considered necessary in order to protect endangered species.

There are a few small trees within the site boundaries which could be impacted as a result of the proposed works. These are not protected by a TPO or located within the Conservation Area and could be removed at any time. Furthermore, they add little visual amenity to the street scene and therefore their loss would not be harmful in the event that they were removed.

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

### Waste

Members of the public have objected to the development on the basis of a lack of adequate waste storage. However, appropriate waste storage can be accommodated within the site boundaries. Waste Management have no objection to the proposed development.

### Other Matters

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

Members of the public and the Parish Council also state that the local housing need survey showed that one additional dwelling was required, which should be a bungalow. However, the principle of additional housing for this site has already been established under the previous permission which was allowed by the Inspectorate. The Local Plan does not allow for control over the size or type of dwellings for development of this scale, subject to conformity with other relevant policies.

Members of the public raise concern that damage may be caused to grass verges accessing the dwellings. However, this was not identified as a concern by WCC Highways and does not justify a reason for refusal of the application.

Members of the public have stated that the location plan appears to be incorrect and incorporates part of the public highway. However, Officers have received a copy of the title deeds which shows the red line to be correct, which was confirmed as being derived from a detailed topographical survey.

Members of the public also state that the proposal would not meet with building regulation requirements as regards to unprotected areas relating to fire spread. However, this would be a matter for Building Control to assess and cannot be considered as part of this application.

## **CONCLUSION**

The application site has previously been deemed acceptable as a limited infill housing site and the proposal would deliver two additional dwellings which sit comfortably within the street scene and add to the Council's windfall housing delivery. The development would have an acceptable impact on neighbouring residential amenity and would not cause harm to protected species, subject to conditions. The development provides adequate parking in accordance with the Council's requirements and would not cause harm to highway safety. The proposed development is therefore recommended for approval.

## **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 CV35.17-44.02E and CV35.17-44.05B submitted on 9th January 2020 and drawing CV35.17-44.0K submitted on 27th January 2020, and specification contained therein. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 The development hereby permitted (including ground clearance works) shall not commence until a protected species method statement for great crested newts and reptiles (to include timing of works, supervision of vegetation clearance and reasonable avoidance measures) 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 NE2 of the Warwick District Local Plan 2011 - 2029.
- 4 The development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Air Quality and Planning Supplementary Planning Document (January 2019) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan.
- 5 No development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority.

The development shall only be carried out in accordance with the approved details. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

- 6 The development hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved has been submitted to and approved in writing by the Local Planning Authority. No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **REASON:** To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policy FW3 of the Warwick District Local Plan 2011-2029.
- 7 The access to the site for vehicles shall not be used unless a public highway verge crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority. **REASON:** In the interests of highway safety in accordance with Policy TR1 of Warwick District Local Plan 2011 - 2029.
- 8 The access to the site shall not be constructed in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway. **REASON:** In the interests of highway safety in accordance with Policy TR1 of Warwick District Local Plan 2011 - 2029.
- 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), there shall be no extensions to the roof of either dwelling hereby permitted. **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 BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 10 Prior to the occupation of the development hereby permitted, the first floor window(s) in the rear elevations and the first floor side facing windows serving the bathrooms on the approved plans in both dwellings hereby permitted shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in

which the window is installed. The obscured glazed window(s) shall be retained and maintained in that condition at all times. **REASON:** To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029.

- 11 No dwelling hereby permitted shall be occupied unless and until the car parking provision for that dwelling has been constructed or laid out, and made available for use by the occupants and / or visitors to the dwelling and thereafter those spaces shall be retained for parking purposes at all times. **REASON:** To ensure the satisfactory provision of off-street vehicle parking facilities in accordance with the local planning authority's standards and in the interests of highway safety and the satisfactory development of the site in accordance with Policies BE1 and TR3 of the Warwick District Local Plan 2011-2029.
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**Planning Committee:** 04 March 2020

**Item Number: 7**

**Application No:** [W 19 / 2006](#)

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

**Registration Date:** 26/11/19

**Expiry Date:** 21/01/20

01926 456531 [Helena.Obremski@warwickdc.gov.uk](mailto:Helena.Obremski@warwickdc.gov.uk)

**Unit 1, Moss Street, Leamington Spa**

Removal of Condition 15 of planning permission ref: W/15/2154 [Demolition of existing commercial buildings and erection of a 47 bedroomed House in Multiple Occupation (HMO)] to allow for unrestricted occupancy (resubmission of W/18/2212). FOR Sureway Property Services Group

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

**RECOMMENDATION**

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

**THE SITE AND ITS LOCATION**

The application site is located in the old town part of South Leamington Spa close to the railway station and situated immediately to the rear of development fronting Radford Road. Moss Street is a short spur road off Althorpe Street serving only this site. The site has been redeveloped to provide student accommodation, with 47 rooms in total and the use has been implemented. The site is also located within the Conservation Area.

**DETAILS OF THE DEVELOPMENT**

The application seeks the removal of Condition 15 of planning permission ref: W/15/2154. Condition 15 currently reads:

*"The building hereby permitted shall be used solely as a student hall of residence and ancillary purposes thereto, being occupied solely by persons enrolled in a full time course of higher education."*

The proposal would allow the buildings to be utilised as a HMO with unrestricted occupation.

The application includes a Management and Travel Plan which reflects the proposed change by omitting reference to students specifically and outlines how all the potential occupants of the building will be required to comply with the procedures and regulations set out in the tenancy agreement.

Separately, the Planning Statement provided in support of the application states that with each of the 6 apartments in the Moss Yard element, they are offering a car parking permit which the developer will purchase for the nearby public car park for the duration of the academic year, at a discounted price. The applicant proposes that this will ensure that those who actually need a parking permit will be able to obtain one, rather than those who do not need one just applying for one.

In comparison to the previous application for the same description of development which was dismissed at appeal, a parking survey has been submitted in support of the application. 12 car parking spaces are also shown on the proposed site plan.

### Background

Phase one of the development was granted for 15 cluster apartments and phase two consists of four no. five bedroom cluster flats and two no. six bedroom cluster flats. The development has been constructed and is complete. The Management Plan submitted for this application is for the combined developments under planning references W/15/2154 and W/17/1071. The applicant has confirmed that the letting/managing agent will have the responsibility of vetting and seeking references from potential tenants. The house caretaker will be employed to oversee the car parking management ensuring only cars with a valid permit are on site. It would be a condition of the tenancy agreement that residents without a valid permit will not be allowed to bring their own cars onto the site otherwise their tenancy agreement will be terminated. The document confirms that the development will also have 35 cycle racks.

### **PLANNING HISTORY**

W/14/1509 (1-3 Althorpe Street) - Demolition of existing building and erection of three storey 15no. bedroomed House in Multiple Occupation (HMO) (Use Class Sui Generis) - Withdrawn.

W/15/0944 (1-3 Althorpe Street) - Erection of three storey 16no. bedroomed House in Multiple Occupation (HMO) (Use Class Sui Generis) after demolition of existing building - Approved.

W/15/2154 – Demolition of existing commercial buildings and erection of a 47 bedroomed house in multiple occupation – Appeal allowed.

W/17/1071 – Variation of condition 2 (drawing numbers) of planning permission W/15/2154 - Approved.

W/18/2212 - Removal of Condition 15 of planning permission ref: W/15/2154 [*Demolition of existing commercial buildings and erection of a 47 bedroomed House in Multiple Occupation (HMO)*] to allow for unrestricted occupancy - Appeal dismissed.

### **RELEVANT POLICIES**

- National Planning Policy Framework

- The Current Local Plan
- BE1 - Layout and Design
- BE3 - Amenity
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- TR2 - Traffic generation (Warwick Local Plan - 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- Guidance Documents
- Parking Standards (Supplementary Planning Document)

## **SUMMARY OF REPRESENTATIONS**

**Royal Leamington Spa Town Council:** No objection, notes that the parking survey was carried out outside of university term time and request that another is carried out.

**Councillor Chilvers:** Supports application, happy to see the restriction removed and preference given to electric vehicles. Satisfied that the transport plan is a fair reflection of reality.

**Waste Management:** No objection, adequate waste storage is currently provided for the property.

**Environmental Health:** No objection.

**WCC Highways:** No objection.

**Public Responses:** 1 Objection, students will bring their cars during term time. Local streets are very busy during term time and park where they can. Car share, electric vehicle and cycle schemes never work. The proposal contravenes policy H6 as the area is saturated with students.

11 Support:

- There is plenty of student accommodation and this type of accommodation is sparse.
- Professionals are more likely to bring revenue to the local economy.
- The opening up of electric charging points to the public can only be a plus for the environment and help encourage use of electric vehicles.
- Parking is not an issue.
- This type of accommodation makes it easier for people moving to the area as a good base with inclusive costs, and makes it easier to make friends.
- The rooms are reasonably priced, in a good location with good local transport links.
- The property has good sized rooms.

## **ASSESSMENT**

This application relates purely to the removal of condition 15 of permission W/15/2154 which was imposed to control occupancy to students only. The Inspector who allowed the original application at appeal considered that there was inadequate parking provided on site and that nearby areas experienced parking

stress. The Inspector added the condition as they determined that students have lower car ownership than professionals, thus addressing the matter of parking. As the removal of condition relates purely to whether there is adequate parking to serve the development, this is the only matter which will be considered below.

*Findings from the Appeal Decision for the Original Application - W/15/2154*

The appeal for application ref: W/15/2154 was considered under the Council's previous Vehicle Parking Standards SPD (Nov 2007) which required 1 space per 2 bedrooms in the case of HMOs and student parking was considered on a case by case basis, influenced by the need of staff and residents, the availability of other transport links and other site considerations. The 15 bed part of the development provided 2 on-site spaces and the Council considered the shortfall of 6 spaces, assessed against the parking standards for a HMO would be acceptable and could be accommodated by existing on-street parking spaces in the area. The additional 32 bed accommodation proposed would provide an additional 7 on site spaces, providing 9 for the development as a whole. A 32 bed HMO would require 16 spaces under the adopted standards leading to a further shortfall of 9 spaces for this part of the development and an overall shortfall of 15 spaces for the combined 47 bed scheme.

The Inspectors under both previous decisions were mindful that the site is in a sustainable location offering good access to public transport, both rail and buses. The proposal also replaced a builder's merchant use which generated on street parking demands from its employees and visitors.

However, the Inspector for the original application made reference to the Council's concern regarding the displacement of short term on-street parking in Althorpe Street leading to short term parking in less appropriate spaces to the detriment of highway safety and amenity. He acknowledged that there was pressure on parking in the area and concluded that "*The area is in no doubt subject to a significant churn of short term on-street parking during business hours.*" (para 27). He went on to say that "*The level of on-street parking generated would not likely effect the existing operation of Althorpe Street so as to cause material harm to the safety and convenience of users of the surrounding highway network.*"

The appellant provided parking surveys at the time of the original appeal and the Inspector considered that the surveys showed there to be unoccupied parking beyond Althorpe Street within a reasonable walking distance within surrounding streets that would accommodate the shortfall of 15 spaces. However, he considered residents would more likely park within the unrestricted parts of nearby residential streets such as Radford Road and Camberwell Terrace, Plymouth Place, Russell Terrace and Farley Street.

The Inspector considered that from his site visit there would appear to already be a degree of parking stress in these residential areas. Accommodating a potential further 15 cars in this area, he concluded would increase the pressure on these spaces. However, the appellant made it clear that although originally described as a HMO, the proposal would provide student rooms in collaboration with Warwick University who discourage car parking on the campus and so access by students living in Leamington Spa would mainly be by public transport. The Inspector made the point that students living in Leamington might wish to have their own cars to access destinations other than Warwick University and they may park throughout

the day in Leamington whilst taking public transport to the University. He also considered that the accessibility of this site to services, the limited amount of on site parking provided and the need to reach the university by public transport might also deter students from bringing a car to Leamington during term time. The Inspector considered that the conditions restricting occupancy to students and an occupational management plan and a Green Travel Plan would provide a means to secure agreement over the measures the appellant was offering.

Whilst the residual increase in the demand for on-street parking would be spread throughout the local area where unrestricted provision was available and this would add to the inconvenience in finding parking spaces for local occupiers, the Inspector considered that as the accommodation would be for students and would provide a relatively low proportion of occupiers requiring car parking, this demand could be actively managed. As such the Inspector considered the demand for off-site car parking arising from the proposal would not be such as to have an unacceptable adverse impact on the amenity of nearby residents.

#### *Findings from the Appeal Decision for the Removal of Condition 15 - W/18/2212*

Under the more recent appeal for the removal of condition 15, the Inspector shared similar concerns, stating that, *"the evidence before me indicates that the area surrounding the appeal site currently suffers from a high level of parking stress."* (para. 16) and that there was a lack of evidence to demonstrate that was sufficient car parking capacity within the surrounding area.

The appellant suggested that tenants from employees such as Jaguar Land Rover who provide incentives such as a dedicated bus service would reduce car usage associated with the proposal, and that tenants would be controlled via the tenancy agreement which would not allow them to bring cars to the site. The Inspector however noted that it cannot be guaranteed that prospective tenants of the proposed development would be employed by any such private company or public organisation which would provide dedicated transport services. Nor could be it be guaranteed, in the event such dedicated transport services were currently available, that circumstances may change in the future and that such services may become unavailable. Further in relation to the control of car usage at the site through the tenancy agreement, the Inspector concluded that it would not be possible to adequately assess whether occupants had brought cars with them to the wider local area without constant checks being made on the local road network.

The Inspector dismissed the appeal on the basis that the unrestricted occupancy of the application property would lead to additional parking in nearby streets which suffer from parking stress, and that future residents could park in such a way that lead to loss of amenity to nearby residents and cause implications for highway safety.

#### *Assessment of the Current Proposal*

The site plan has been amended to provide a total of 12 spaces (increasing from 9 under the approved scheme). Even with the increase in 3 spaces, there would still be shortfall of 12 spaces which would need to be accommodated on street. However, the additional spaces provided are not considered to be acceptable spaces; two additional spaces are provided to the south of the site in a "tandem"

arrangement. Whilst this may be suitable for an individual residential property, where the occupiers would be able to arrange amongst themselves to manoeuvre vehicles in and out of the spaces, the residents of the application property would be entirely unrelated individuals who are likely to block each other in, thus not providing an acceptable parking solution.

Furthermore, all of the proposed additional spaces do not meet the adopted vehicle parking standards requirements in terms of size, so cannot be counted for this reason alone. Therefore, it is still considered that a shortfall of 15 spaces exists.

The parking statement submitted in support of the application suggests that there would be a likely split of 50% students and 50% professionals using the property. However, as the occupancy condition would be removed entirely if the application were approved, removing all restrictions, the assessment must be based on the situation if 100% of the development were utilised by non-students, as this is a realistic possibility.

An important consideration is that under the original application, parking surveys were submitted which identified that there was sufficient capacity within the wider area to accommodate the required level of parking associated with the development. However, in realistic terms as noted by the Inspector, residents are more likely to park in unrestricted parts of nearby residential streets such as Radford Road, Camberwell Terrace, Plymouth Place, Russell Terrace and Farley Street, which could not have accommodated the required level of parking owing to existing parking stress.

It is clear from the Inspector's original decision, that the reason for imposing the condition was due to the unique behaviour of students' travel patterns and arrangements which led him to conclude that students led to a relatively low proportion of occupiers requiring car parking such that the demand could be actively managed. To translate this to the rest of society would not be so easy to manage as this would mean trying to manage different travel arrangements over various companies and relating to individual behaviours, which the Inspector for the more recent appeal concluded would be too difficult to control.

The applicant has provided a parking survey in support of the current application which was not provided as part of the last application to remove condition 15. For the assessment of this application, the applicant proposes to rely on the original survey from May 2015 (surveys undertaken: 13th at 11:30; 14th at 00:30 and 17:30) and also a survey taken on Tuesday 13th (18:00) and Wednesday 14th August 2019 (11:30 and 00:30). Roads within 200 metres of the site were surveyed, but excluded Residents Parking Zones and sections of roads with parking restrictions. The earlier survey from May 2015 was conducted during school and university term time and the results of all surveys are provided as a "picture" of the parking situation nearby to the site. The road surveys include Althorpe Street, Moss Street, part of Radford Road, Styles Close, Davidson Avenue, Clapham Terrace, Plymouth Place, and the lower part of Farley Street.

The surveys indicate that there has been an increase in available parking within these streets of between 36% and 56% depending on the time of day when the survey results were taken between May 2015 and August 2019. The parking survey also states that a small survey was taken of roads south of the canal in

January 2019 during term-time. The survey provided states that the number of available spaces had also increased by 19% in August 2019.

The survey also notes that Court Street car park has been extended and overnight parking charges are £1. The survey notes that there were 3 cars parked within the car park during one August after midnight survey and that Packington car park had 4 cars parked at the same time. It does not however confirm the number of available spaces.

The supporting documents inform that another parking survey was carried out during the night on 17th and 18th October 2019 during university and school term time.

The Council's adopted Vehicle Parking Standards SPD requires that parking surveys are carried out in accordance with the "Lambeth Methodology", a nationally recognised methodology. Specifically the Vehicle Parking Standards state that parking surveys should be undertaken only within the Higher Education term-time. The methodology requires that two snap-shot surveys are taken on two separate weekday nights between the hours of 00:30 and 05:30. The guidance specifically states that the surveys should not be undertaken during public holidays, school holidays (recommending that the weeks immediately following or preceding school holidays should be avoided) and when local events are taking place, as the times may impact the results of the surveys. The guidance also states that additional surveys may be required when a site is located within the town centre and when a site is nearby to railway stations to assess the impact of commuter parking.

Term time for Warwick University is listed on their website as being 30th September 2019 - 7th December 2019 and from 6th January 2020 - 14th March 2020. Coventry University term time was 16th September 2019 - 15th December 2019 and from 20th January 2020 until 23rd April 2020.

The rationale for surveys being carried out during university term time is that students will bring cars with them when at university, which impacts on local parking. Whilst it is recognised that students have a lower car ownership than professionals for example, this does not mean that students have zero car ownership. This is likely evidenced through the comparable surveys which were undertaken in May 2015 (taken during term time) and August 2019 (taken outside of term time), where there was an increase in available spaces, despite there being additional residential development which has been approved since the original survey was carried out, which is likely to have increased the demand on local on street parking. For example, application W/15/1448 was approved for the erection of a 187 bedroom student accommodation before the original application was allowed at appeal, however the May 2015 survey fails to take consideration of this. The Vehicle Parking Standards confirm that, "The methodology requires that other permitted schemes be taken into account when calculating available parking". Further, application W/17/1614 for the erection of a 200 bedroom student accommodation development has also not be considered by any of the surveys provided.

Therefore, for the purposes of assessing the application, it is therefore considered that the surveys taken in August 2019 are not sufficiently reliable in order to

provide an accurate perspective of the nearby parking situation when parking stress is likely to be most acute. Furthermore, the survey conducted in 2015 is now nearly 5 years old. It is not considered reasonable or appropriate to rely on outdated information of this nature, which will have been impacted by additional development approved since this time within the nearby area. Moreover, the Inspector who determined the original application and considered the May 2015 survey concluded that condition 15 was necessary for the purposes of the development.

The survey taken in January 2019 of the roads south of the canal has little bearing on the application because as the Inspector for the original appeal identified, the streets closest by to the site are those which are most likely to be impacted, not those further away. Further, whilst the survey states that it was taken in January, it does not give the exact date of the survey, so it cannot be confirmed whether it was taken during term time.

The surveys taken in October 2019 are more helpful and indicate that at 00:30 on 17th and 18th, there were available spaces in Farley Street and Leam Terrace. However, both Farley Street and Leam Terrace are further away than the closest unrestricted parking areas such as Althorpe Street, Moss Street, Radford Road, Styles Close, Davidson Avenue, Clapham Terrace and Plymouth Place where future residents are most likely to park. Further, although two surveys were undertaken during the night, in accordance with the requirements of the Vehicle Parking Standards, as the site is located within the town centre and within walking distance of the train station, surveys should also be undertaken between 07:00 - 08:00 and 17:30 - 18:30 to assess the impact of commuters. It is therefore considered that insufficient information has been provided to demonstrate that there would be adequate provision within the nearby unrestricted parking areas to accommodate the increased level of parking associated with the removal of condition 15.

WCC Highways have assessed the available information and have submitted a stance of no objection to the proposal. However, it is important to note that the Highway Authority only assess the impact of the proposal on highway safety, and not on amenity, which the Local Planning Authority are required to evaluate. WCC Highways have accepted the methodologies of the surveys provided and results which they show. However, for the reasons set out above, Officers do not accept that the surveys have been carried out in accordance with requirements of the adopted Vehicle Parking Standards. Accepting a parking survey which has been carried out outside of university term time would set a dangerous precedent for assessing future developments and there are no special or unique circumstances associated with this particular application which suggest that Officers should deviate from the requirements of the adopted standards.

Furthermore, notwithstanding that WCC Highways have accepted the methodology of the surveys provided, the information presented from October 2019 shows sufficient capacity within Farley Street and Leam Street. From a highway safety perspective, this addresses their previous concerns. However, the impact on amenity of the residents living in the streets closest by to the development are not considered by the Highway Authority, who are likely to be displaced as a result of the additional parking demands from unrestricted residents who wish to park close by to the site, thus having a detrimental impact on amenity.

The applicant again references in the Travel Plan that Jaguar Land Rover (JLR) provides a separate bus from outside the site and also encourages car sharing to enable employees to park at the site. However, as per the Inspector's findings above, it cannot be guaranteed that prospective tenants of the proposed development would be employed by any such private company or public organisation which would provide dedicated transport services. Nor could it be guaranteed, in the event such dedicated transport services were currently available, that circumstances may change in the future and that such services may become unavailable.

The Planning Statement provided in support of the application states that with each of the 6 apartments in the Moss Yard element, they are offering a car parking permit which the developer will purchase for the nearby public car park for the duration of the academic year, at a discounted price. The applicant proposes that this will ensure that those who actually need a parking permit will be able to obtain one. However, this would not address the Council's concerns because there would be no way to control via the planning application that the developer has to purchase the car parking permits, or that they then could only be used by the occupiers of the development. This would still also result in a shortfall of 9 spaces which has not been addressed.

What is also not addressed by this planning application is the impact on parking within Residents Permit Zones if condition 15 were removed. The removal of condition 15 would not preclude any future occupants from applying for residents parking permits. Nearby streets, such as George Street and Forefield Place both are restricted by Permit Zones, which are closer than some of the unrestricted streets referenced by the Inspectors as being likely to be used by the future residents. There is no restriction on the original application to prevent any future occupiers from obtaining a parking permit and therefore the information provided in support of the application fails to adequately address the impact which removing the condition would have on parking within Residents Permit Zones, which would likely be impacted if the condition were removed.

It is noted that a local Councillor has supported the application, stating that the parking survey provided is representative of the local parking situation. There have been 11 letters of support for the proposal, some of which state that parking provision would not be an issue, however most are not from local residents. Conversely, the Town Council have requested that an updated survey is carried out during university term time and there has been a letter of objection referencing additional parking stress during university term time from a local resident.

It is also recognised that there appears to be a loss of cycle parking storage when comparing the approved plans from application W/17/1071 to the current proposal, which would therefore not meet the requirements of the Vehicle Parking Standards. However this would usually be conditioned and could be accommodated within the site boundaries, so does not represent a reason for refusal of the application.

Both previous appeal Inspectors noted the high level of parking stress within the local area, and during the site visit, the Case Officer also noted parking stress on

nearby streets. Officers have recommended that a parking survey is carried out of the relevant streets during university term time in accordance with the requirements of the Vehicle Parking Standards in order to overcome the concerns expressed above, however, this has not been forthcoming. Without this evidence and justification, the removal of condition 15 does not accord with Policy TR3 of the Local Plan and the adopted Parking Standards SPD.

### Other Matters

Reference is made in the Planning Statement to electrical vehicle charging points being made available for local resident's use. The local Councillor and members of the public who support the application state that this would be beneficial and encourage the use of electric vehicles. However, there is a condition on the original permission which requires that the parking spaces are laid out and made available for use of the occupants of the site only (condition 12 of W/15/2154), therefore even if this application were approved, the electric vehicle charging points would not be available for wider members of the public to use. This would require the removal of condition 12 which has not been applied for, so cannot be given weight as part of this application. It should be noted that this would also reduce the available parking of future residents, thus further compounding current concerns regarding removal of condition 15.

Supporters of the proposal also note that there is plenty of student accommodation available and that this type of accommodation is sparse. They note that professionals are more likely to bring revenue to the local economy. Members of the public consider that this type of accommodation makes it easier for people moving to the area as a good base with inclusive costs, and makes it easier to make friends. Members of the public also note that the rooms are reasonably priced, in a good location with good local transport links, and that the property has good sized rooms.

If the application were approved and condition 15 were removed, the occupancy would be unrestricted. This does not mean however that the site would not be used by students and the agent in fact states that it is likely to be a 50/50 split. There is likely to be little economic benefit in removing the condition. Whilst the comments regarding the ease of moving to the area, pricing and location are noted, these do not represent material planning considerations which outweigh the potential harm to amenity which the removal of condition 15 could cause.

An objector to the proposal states that the development contravenes policy H6 as the area is saturated with students. However, the principle of development was established under the original application and is not part of consideration of this application.

### **Conclusion**

The Inspector allowed the appeal for a reduced number of parking spaces than was required in the Parking Standards SPD (2007) relevant at that time on the basis that the development would be occupied by students. This he reasoned was because students led to a relatively low proportion of occupiers requiring car parking such that the demand could be actively managed. In the absence of a parking survey which has been carried out in accordance with the requirements of the Council's adopted Vehicle Parking Standards of all of the nearby unrestricted

streets within walking distance of the site that can demonstrate there is sufficient capacity in the area for on-street parking to accommodate the shortfall in parking on the site if the development were to be used as an unrestricted HMO, the proposed development would lead to additional demand for limited spaces which would be harmful to residents' amenities. The proposal is therefore contrary to Policy TR3 of the Warwick District Local Plan (2011 - 2029) and the adopted Parking Standards SPD.

## **REFUSAL REASONS**

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

The Inspector allowed the original appeal for a reduced number of parking spaces than was required in the Parking Standards SPD (2007) relevant at that time largely on the basis that the development would be occupied by students. This he reasoned was because students led to a relatively low proportion of occupiers requiring car parking such that the demand could be actively managed.

In the opinion of the LPA, in the absence of a parking survey which has been carried out in accordance with the requirements of the adopted Vehicle Parking Standards that can demonstrate that there is sufficient capacity in the area for on-street parking to accommodate the shortfall in parking for the development if it were to be used as an unrestricted HMO, it is considered that the development would lead to additional demand for limited spaces which would be harmful to residents' amenities (by reason of parking stress). The proposal is therefore contrary to the aforementioned policies.

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**Planning Committee:** 04 March 2020

**Item Number: 8**

**Application No:** [W 19 / 2095](#)

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

**Registration Date:** 06/12/19

**Expiry Date:** 31/01/20

**18 Taylor Avenue, Lillington, Leamington Spa, CV32 7SB**

Change of use from dwellinghouse (Use Class C3) to a 5 bed HMO (Use Class C4) FOR Mr M Tanna

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This application is being presented to Planning Committee due to the number of objections and an objection from the Royal Leamington Spa Town Council having been received and the application is recommended for approval.

**RECOMMENDATION**

Members are recommended to grant planning permission for the reasons set out at the end of this report.

**DETAILS OF THE DEVELOPMENT**

The proposal seeks a change of use of an existing residential dwelling to a 5 bedroomed House in Multiple Occupation (HMO). The associated works involve alterations to the internal layout only and no external changes are proposed to the building nor is the existing access to be altered as part of this proposal.

**THE SITE AND ITS LOCATION**

The application site consists of a two storey semi-detached dwelling located to the northern end of Taylor Avenue, Leamington Spa which is a predominantly residential area. The property benefits from a large rear garden and driveway parking to the front contained by a low boundary wall.

**PLANNING HISTORY**

None.

**RELEVANT POLICIES**

- National Planning Policy Framework
- [The Current Local Plan](#)
- BE1 - Layout and Design
- BE3 - Amenity
- H6 - Houses in Multiple Occupation and Student Accommodation
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- [Guidance Documents](#)
- Parking Standards (Supplementary Planning Document)

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

## **SUMMARY OF REPRESENTATIONS**

**Royal Leamington Spa Town Council:** Object on grounds of parking and the outlook from bedroom 5.

**Councillor Russell:** Objects on the grounds of parking.

**WCC Highways:** Initially objected due to lack of parking and no parking survey to demonstrate capacity on street. Following a site visit from the Highway Officer and the submission of amended plans, the objection has been withdrawn.

**WDC Private Sector Housing:** Object on the grounds that there is insufficient outlook from bedroom 5, raise concerns regarding the size of the dining/sitting room and the level of outlook from the dining/utility room.

**Waste Management:** No objection

**Public Response:** 20 letters of objection have been received raising concerns primarily about parking, highway safety and the impact on the character of the area.

## **ASSESSMENT**

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

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

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

The proportion of HMOs within a 100m radius of the application site is 0.8%. The proposed development would increase this to 2.1%. The property is located within 400 metres of several bus stops, does not lead to sandwiching of a non HMO property between two HMOs and does not lead to a continuous frontage of 3 or more HMOs.

The property has a rear amenity area which is where the bins would be located and then easily placed on the roadside for collection.

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

#### Living conditions of future occupiers

Private Sector Housing have been consulted and have raised concerns regarding the outlook from bedroom 5. This concern was shared by the Officers and subsequently the internal layout has been amended to provide an outlook and light to all habitable rooms. The bedroom room sizes have been confirmed as exceeding the Council's minimum requirement of 6.5sqm. Private Sector Housing also raised concerns regarding the size of the dining/sitting area. It is recognised that HMO licensing requirements are the subject of separate legislation and may not be a material planning consideration in the determination of this application. An informative note reminding the applicant of the minimum standards under licensing is considered appropriate in this case.

The development is therefore considered to provide adequate living conditions for the future occupiers of the HMO in accordance with adopted Local Plan Policy BE3.

#### Impact on the street scene

There are no external changes proposed to the building, such that it is not considered that there is any material impact on the character of the street scene. The proposal is therefore considered to accord with Policy BE1.

#### Car Parking and Highway Safety

Policy TR3 states that development will only be permitted which makes provision for parking and does not result in on-street car parking detrimental to highway safety. The Parking Standards SPD sets out Warwick District Council's detailed parking standards for developments.

The existing property as a 3 bedroomed dwelling is required to provide 2 off road parking spaces. The change of use to a 5 bedroomed HMO would increase the requirement of off road parking spaces to a total of 3 spaces. There is currently a large driveway to the front and side of the dwelling that provides adequate space for 3 cars. The site benefits from two access points to the driveway from Taylor Avenue.

20 objections were received from neighbouring residents with the main concern being parking and highway safety concerns. The Warwickshire County Council Highways team have been consulted on the proposals and did raise an initial objection regarding the provision of parking. Revised plans have since been received showing that 3 parking spaces can be accommodated on site and therefore the Highway Authority have subsequently withdrawn their initial objection. Based on this I am satisfied that the proposal will not cause an unacceptable level of harm in terms of highway safety.

Highways have recommended an informative note requiring the permission from the Highway Authority if the access were to be widened in the future, this is considered appropriate and will be added.

The property is also required to provide 3 cycle spaces. The existing property benefits from a detached garage and rear amenity area that could both provide adequate provision for cycle storage.

The proposal provides adequate provision for required 3 off road parking spaces in line with the adopted Parking Standards SPD and the development therefore accords with adopted Local Plan Policy TR3.

#### Amenity of the occupiers of nearby properties

20 public objections have been received which focus mainly on the parking provision and to a lesser degree the impact of the HMO on the amenity of neighbouring properties and the surrounding area. From an amenity perspective there is currently no known issue of any anti-social behaviour in the area and it is not considered that the proposal is likely to introduce any such behaviour to an extent to which objection could be raised.

The proposal is therefore considered to accord with Policy BE3.

### **CONCLUSION**

The proposed change of use to a HMO within this area adheres to the criteria set out within the Local Plan and more specifically Policy H6. There would be no material harm to nearby uses or residents as a result of the proposal and the parking arrangements are considered to be acceptable. Adequate waste storage is already provided and therefore the application is recommended for approval.

### **CONDITIONS**

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) AL (P) 00 A, AL (P) 02 C, and specification contained therein, submitted on 22nd January 2020. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

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**Planning Committee:** 04 March 2020

**Item Number:** 9

**Application No:** [W 20 / 0121](#)

**Town/Parish Council:** Leamington Spa  
**Case Officer:** Ankit Dhakal

**Registration Date:** 24/01/20

**Expiry Date:** 20/03/20

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**129 Warwick New Road, Leamington Spa, CV32 6AB**

Erection of single storey rear extension (retrospective application) FOR Mr George Scott

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This application is being presented to Committee due to the number of representations in support that have been received and the application has also been requested to be presented to Committee by Councillor Gifford.

**RECOMMENDATION**

Refuse

**DETAILS OF THE DEVELOPMENT**

The application seeks a retrospective planning permission for a rear extension with dual pitched roof. The rear extension is on a raised platform and as a result of this, the height of the rear extension is more than a standard single storey from the level of the garden. The new development is constructed in a way to match the existing dwellinghouse.

**THE SITE AND ITS LOCATION**

The applicant site relates to a semi-detached dwellinghouse located on Warwick New Road, Leamington Spa. The property is set back from the road behind hard surfacing which provides off-street parking for the property. At the rear, the property benefits from a large garden with tall timber fence on all sides for the purpose of privacy.

**PLANNING HISTORY**

**W/99/0672** - Erection of a ground floor rear and two-storey side extension. Granted on 6<sup>th</sup> August 1999.

**W/19/1094** - Prior Notification for larger home extension for the erection of a single storey rear extension; 6m depth; 4m height and 2.5m to the eaves. Outcome: 'Prior Approval Not Required' decided on 2<sup>nd</sup> August 2019. However, this was incorrectly submitted as a prior approval notification because the extension contravened the limitations of permitted development and therefore required planning permission.

**W/19/1442** - Certificate of lawful development for rear extension. 'Not Lawful Use' decided on 4<sup>th</sup> November 2019.

## **RELEVANT POLICIES**

- National Planning Policy Framework
- The Current Local Plan
- BE1 - Layout and Design
- BE3 - Amenity
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- The 45 Degree Guideline (Supplementary Planning Guidance)

## **SUMMARY OF REPRESENTATIONS**

**Royal Leamington Spa Town Council:** No objection

**Public consultation:** 6 comments of support in relation to the design being in keeping with the streetscene, not of an inconvenience to neighbours, and a modest addition.

## **ASSESSMENT**

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

- the impact on the character and appearance of the area;
- the impact on the living conditions of neighbouring dwellings;

### **Impact on the character and appearance of the area**

Section 7 of the National Planning Policy Framework (NPPF) places significant weight on requiring good design which is a key aspect in achieving sustainable development. New development should positively contribute towards making places better for people.

Policy BE1 of Warwick District Council's Local Plan 2011 – 2029 reinforces the importance of good design as explained by the NPPF. The Policy requires all development to respect surrounding buildings in terms of scale, height, form and massing.

The Residential Design Guide SPD sets out steps which must be taken in order to achieve good design in terms of the impact on the local area; the importance of respecting existing important features; respecting surrounding buildings and using the right materials.

The single storey rear extension is considered to be acceptable in terms of design. The materials used on the extension matches those on the existing property. Furthermore, the design and form of the extension is in keeping with that of the existing dwelling.

### **Impact on the living conditions of neighbouring dwellings**

Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of all neighbouring residents, in terms of light, outlook and privacy.

The Council's Residential Design Guide SPD provides a design framework for Policy BE3 and states that extensions should not breach a 45-degree line taken from the nearest habitable room of a neighbouring property. This serves to protect against loss of light and outlook.

The rear extension breaches the 45-degree line when taken from the middle of the two principal light sources (window and the French door) on the rear elevation of No.127 Warwick New Road which serve a kitchen. The development breaches the 45-degree line by 1.6 metres. Therefore, it is considered that the extension contravenes the 45-degree guideline as set out on the Residential Guide SPD (2018). As a result, it is considered that the rear extension causes unacceptable loss of light and loss of outlook for the affected windows.

There are no overriding considerations for the 45-degree line not to be applied on this instance and for this reason, the rear extension is contrary to Local Plan Policy BE3.

#### Other matters

The applicant has referred to a similar extension that was approved at a nearby property (No. 133) in 2007. However, that is not comparable to the current situation because the extension in that case replaced a previous extension that had been erected without the need for planning permission under a previous permitted development regime. As the replacement extension had no greater impact than the pre-existing structure there were no grounds for refusing permission in that case.

### **REFUSAL REASONS**

- 1 Policy BE3 of the Warwick District Local Plan 2011-2029 states that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents. Furthermore, the District Council has also adopted Supplementary Planning Guidance on the 45 Degree Guideline which aims to prevent any unreasonable effect on the neighbouring property by reason of loss of daylight or sunlight and by creating an unneighbourly and overbearing effect.

The 45 degree line taken from No.129 Warwick New Road is breached by the rear extension and therefore the development results in material harm to that property by reason of loss of light and outlook.

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

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