

A meeting of the above Committee will be held in the Town Hall, Royal Leamington Spa, on Wednesday 6 November 2019 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 S Sanghera

Councillor J Kennedy

Councillor J Weber

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. **W/18/2200/LB - Bandstand, Pump Room Gardens,
Dormer Place, Royal Leamington Spa** (Pages 1 to 7)
5. **W/19/0423 - Annexe at Yew Tree Cottage, Old Warwick
Road, Lapworth** (Pages 1 to 8)
6. **W/19/0784 - Land on the East Side of Warwick Road,
Kenilworth** (Pages 1 to 14)
Major Application
7. **W/19/0818 - 66 Market Place, Warwick** (Pages 1 to 6)
8. **W/19/1341 - Wimsley, 30 Southam Road, Radford
Semele** (Pages 1 to 4)

Please note:

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- (e) occasionally, items are withdrawn from the agenda after it has been published.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

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

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

You can e-mail the members of the Committee at

planningcommittee@warwickdc.gov.uk

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

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

Application No: [W 18 / 2200 LB](#)

Town/Parish Council: Leamington Spa
Case Officer: Rebecca Compton

Registration Date: 16/11/18

Expiry Date: 11/01/19

01926 456544 rebecca.compton@warwickdc.gov.uk

Bandstand, Pump Room Gardens, Dormer Place, Leamington Spa

Restoration/repair of the Bandstand - Amendment to Application Ref. W/15/0928/LB. Replacement floor deck, new access hatch to undercroft to be installed in floor deck, installation of a metal grille over external access to undercroft, additional stonework to the decking edge and revision to main steps design (part-retrospective). FOR Warwick District Council

The application has been brought before the Planning Committee as the applicant is Warwick District Council. A number of objections have also been received, including one from the Town Council.

RECOMMENDATION

Members are requested to approve the application subject to the recommended conditions and the details outlined in the report.

DETAILS OF THE DEVELOPMENT

Planning and listed building applications were approved for the bandstand to be dismantled, repaired and restored and rebuilt to its original pattern. A 0.8 metre wide planting area was also to be provided around the perimeter of the bandstand, with a raised stone kerb edge lined up with the bottom tread of the stone steps. A 60cm high double hoop fence was also approved to be set inside the kerb edging.

Following the original submission under this application the proposals have been amended to address concerns raised by residents and the Council's Conservation Officer. The original proposal sought retrospective consent for the blocking up of the access to the undercroft including a new access hatch to be installed within the replacement floor deck.

The works that are the subject of the revised scheme application involve reinstating the access steps to the undercroft with a metal grille over the access steps to avoid trip hazards. The new door to the undercroft has been approved under application ref: W/15/0928/LB. The original proposal for a new access hatch is also included. The works also include a new design to the main steps and additional stone coping to the decking edge.

Works are ongoing on site and therefore this application is part-retrospective.

THE SITE AND ITS LOCATION

- The bandstand is located to the west of Parade, within the Royal Pump Room Gardens, part of the Spa Gardens, registered as Grade II in the list of registered parks and gardens of special interest in England.

- The late nineteenth century Grade II listed building is located within the Leamington Spa Conservation Area.
- The bandstand has recently been removed for restoration under the previous planning and listed building consent. It is an octagonal structure with decorative cast iron balustrade and a timber and lead roof.
- The structure is surrounded by tarmac surfacing.

PLANNING HISTORY

W/15/0927 – Restoration/repair of the bandstand in pump room gardens, Leamington Spa. Bandstand structure to be dismantled and rebuilt to its original pattern – Approve

W/15/0928/LB - Restoration/repair of the bandstand in pump room gardens, Leamington Spa. Bandstand structure to be dismantled and rebuilt to its original pattern - Approve

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)

SUMMARY OF REPRESENTATIONS

Town Council – Initial comments: The works are contrary to Policy HE1 of the Local Plan and paragraph 194 of the NPPF. The application does not specify why these works are necessary other than to state that the use of the undercroft for storage purposes is impractical - why is this the case? Surely access to the undercroft via the original entrance is more viable than descending a ladder accessed through the floor of the bandstand. These works have already been begun without consultation with any relevant partners and without the necessary permissions. The Local Plan states in 5.152 that "the Council is committed to ensuring that listed buildings are given a high level of protection and enforcement action will be taken against unauthorized...works to them." How then does this fit with what has already taken place at the bandstand? The town council is deeply concerned about the lack of consultation or communication around these works.

Comments on revised scheme: No objection but supports the request for further information regarding the grille. Will it be permanently fixed? Can the undercroft still be accessed via the door?

The Gardens Trust - Do not wish to comment on the proposals at this stage. This does not in any way signify either approval or disapproval of the proposals.

Town Cllr Janet Alty - There are errors in the Design and Access statement. It is stated that "The Bandstand has been unused for many years". The Peace Festival has used the Band stand every year for a great many years. "The

undercroft will not be bought back into use (it had originally been intended to use the undercroft for storage purposes but this proved impractical)." The undercroft forms part of the original bandstand and it was always envisaged that it would be retained and refurbished. There has been no consultation about the proposal to leave it in an unusable state. "Electrical distribution boards will be housed in the undercroft and access will be via a new hatch set into the floor deck with a vertical access ladder anchored to the deck and undercroft floor." This is totally impractical. When the bandstand is in use it will be impossible to access the distribution boards. It is essential that the access to the distribution boards in the undercroft is via the steps as was always the case. Octagonal planting beds will be created around the Bandstand hardstand area with dwarf hoop fencing to its perimeter." This may be a charming idea, but given the number of people who will wish to sit on the ground and watch the performances the flower beds will undoubtedly be trampled. This is a completely impractical idea. And finally it is clear that there have been many misunderstandings and it is essential that the Heritage Bandstand is restored to its original Heritage status.

Historic England - we do not wish to offer any comments.

Friends of the Pump Room Gardens: Objects as follows:

- The bandstand. The present bandstand (manufactured by Walter MacFarlane of Glasgow, model 224) is one of only four of this model remaining in the UK and was installed by Leamington Borough Surveyor William Louis de Normanville in 1889.

The Grade II listed Victorian bandstand is highly unusual in that it was constructed with an undercroft which remains intact; of 600+ remaining original bandstands in UK, only 1% or fewer, have an undercroft.

The bandstand is the focal point of the gardens. It is central to many annual events held there like the Peace Festival, the Food and Drink event, the Mela, the Leamington Lantern Parade. The Activity Plan envisages more events involving the bandstand.

- Partnership. The Friends of the Pump Room Gardens and Warwick District Council are partners in a £1.4 million project to restore the Pump Room Gardens, funded in part by an almost £1.0 million grant from the Heritage Lottery Fund. The partnership is recognised in a document signed by the Chief Executive of the Council and the Chairman of the Friends.

- Space in undercroft. The headroom in the bandstand (standing between the two RSJs) is about 1690mm (5' 6½"), so not full height but sufficient to provide valuable storage space. The entrance to the undercroft remained unchanged until at least the 1970s.

- The bandstand restoration plans. These were approved by WDC and Heritage Lottery Fund, and formed part of the tender documents for the works. These plans specified a *faithful* restoration of the original structure and these

specifications were accepted by the chosen contractor. The plans were subject to listed building consent W/15/0928/LB granted in July 2015.

- Closing of undercroft. The entrance to the undercroft was bricked up in September 2018 in contravention of W/15/0928/LB.
- W/18/2200/LB. This retrospective application is for approval of the bricking up the entrance to the undercroft. It would be in contravention of section HE1 of the Local Plan and of NPPF (Para 194) both of which relate to the protection of heritage structures.

This is also in contravention of sections HS2 and HS8 of the Local Plan that promote recreation in Healthy, Safe and Inclusive Communities.

- Loss of storage space. The bricking up results in a loss of valuable storage space that could be used for modern plastic folding seating, protective grass matting, events equipment, A-boards and signage boards all used at events, and so on. Dampness in the undercroft would not significantly affect these items.
- Alternative storage facility. It has been suggested that one of the lodges in Jephson Gardens would be a suitable alternative; however this would then displace a valuable community facility currently used for exhibitions.
- Violation of partnership agreement. The bricking up of the entrance to the undercroft was done without any consultation or knowledge of the Friends; the first they learnt of the decision was after the entrance had been blocked. The Friends are partners with WDC and both parties agreed to work together.
- Size of the treads and risers of the main steps not shown, they should be equal.
- Details of the grille have not been provided.
- Installation of a mosquito device is unacceptable.

Local Interested Parties - 11 objections received on the following grounds:

- It has not been made clear that the work has already been carried out.
- Details provided in the application are inaccurate and misleading. Address of application site and applicant are not correct.
- The reason for blocking off the existing entrance given is that it was found necessary - this is incorrect. The work is described as repair/ restoration and it is actually modification.
- Undercroft has constraints for use because of headroom. I don't understand why it can't be used at least for storage.
- Why does equipment have to be stored at North Lodge? It will not work to store equipment here – what if it's raining?
- Why not store the equipment under the bandstand. Chairs and tables could be stored there too. This will really help the community to make full use of the new bandstand.
- Using a ladder as access will compromise it's use.

- Bricking up the Undercroft permanently could render some components of the building inaccessible.
- This was not part of the original restoration agreement, the specifications of which should be followed.
- Not clear that it was at all necessary and indeed may compromise possible access to the undercroft and location of electrical services.
- This is a substantial modification altering the original planning application, and indeed being a partly retrospective application with some work already done.
- Do not believe there are substantial public benefits to blocking off the original doorway to the undercroft which is substantial harm to this heritage asset.
- The undercroft was an integral part of the design of the bandstand.
- Work has already in part been undertaken without any reference to the Planning Committee, or more importantly to those jointly funding the project with Warwick District Council, namely the Friends of the Pump Room Gardens and The Heritage Lottery Fund.
- The HLF grant and the public funding was given for the conservation of the bandstand and a specification was signed by WDC that the original features would be restored and repaired. Blocking up the entrance and steps to the undercroft was never discussed by the donors (HLF) and the partner (Friends of the Pump Room Garden) and was done without planning permission and therefore without proper authority. This construction contravenes the heritage principles of the grant and the contract and should be undone.
- The earlier permission granted for the project included the restoration of the original entrance to the undercroft. Presumably, this was to make the use of the undercroft a practical proposition once more.

ASSESSMENT

Impact on the Character, Appearance and Significance of the Listed Building

The application is to be considered under Policy HE1 of the Warwick District Local Plan (2011-2029) and section 66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 which requires Local Planning Authorities, when considering alterations to a listed building, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Paragraph 196 of the NPPF requires Local Planning Authorities to make an assessment of the impact of the development on the significance of the building and the level of harm that any development proposal may have on the building and for that harm to be weighed against any public benefits.

Access to undercroft

This application as originally submitted proposed to block up the original access to the undercroft and this had been implemented on site at the time of the officer's site visit. A number of objections were received on the application due to the alterations proposed, the loss of the undercroft storage area and the lack of consultation before the work had been carried out. There were also concerns that

the works would have a harmful impact on the character, significance and appearance of the listed building.

Following these concerns the proposal has been amended to re-instate the access steps to the undercroft leading to a timber door with a metal grille over the access steps to avoid trip hazards. Following further consultation, additional concerns have been raised by residents as to whether the undercroft can be easily accessed as the plans show the grille to be bolted along 3 sides. However, the matter of whether the undercroft can be used for storage is not a material planning consideration. The proposal re-instates the original opening to the undercroft and therefore preserves the building's historic character.

In any case, the applicant has advised that the access to the undercroft will be infrequent due to concerns from Western Power Distribution over health and safety issues regarding the electrics stored in this area. The steep and awkward access also raises concerns about the safe use of the undercroft for storage. Furthermore, the bolts securing the grille in place can be removed in the event that access is required.

In addition, a new access hatch has been incorporated into the new floor of the Bandstand to satisfy the future need for inspections. The proposed access hatch is not considered to have a harmful impact on the historic significance of the listed building. It is considered appropriate to request large scale details of the access door and metal safety grille via condition.

Main steps

Application ref W/15/0928/LB granted consent for a new design of the main steps which comprised of 3 steps. Subsequently the height of these steps have been found to be too steep and this application seeks to amend the design to include an additional fourth step. Concerns have been raised by residents as to whether the steps would be of equal height. However, the proposed plans indicate the rises and treads of each step to be of equal size. It should also be noted that the original Bandstand benefited from 4 steps and this proposal is therefore considered to reflect the building's original historic character and appearance.

Additional works

The revised scheme also includes additional stone coping to the decking edge. The stone will match the existing stonework on the building. These works are considered to be in keeping with the external appearance of the building.

The proposals have been amended to omit the mosquito anti-loitering unit and weathering strip over the safety grille following concerns that these elements were not in keeping with the building's historic character.

For the above reasons it has been concluded that the proposed development accords with Policy HE1 of the Warwick District Local Plan (2011-2029).

Conclusion

Due to the nature of the proposed works the proposal is not considered to cause harm to the character, appearance and significance of the listed building. The development accords with Policy HE1 of the Warwick District Local Plan (2011-2029), Section 66 of the Town and Country Planning (Listed Buildings and Conservation Areas Act) 1990 and paragraph 196 of the NPPF.

CONDITIONS

- 1 The consent hereby granted relates to the details shown on the site location plan and approved drawing(s) 3032-203 A, 3022-201 G, 3032-101 G, 3032-106 C, 3032-102 G, 3032-202 G, and specification contained therein, submitted on 22nd October 2019. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policy HE1 of the Warwick District Local Plan 2011-2029.
 - 2 Large scale details of the undercroft door (including a section showing the reveal, heads and cill details), at a scale of 1:5 (including details of materials) shall be submitted to the Local Planning Authority for approval within 1 month of the date of this consent. The development shall not be carried out otherwise than in strict accordance with the details approved under this condition. **REASON**:To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029.
 - 3 Details of the proposed metal grille shall be submitted to the Local Planning Authority for approval within 1 month of the date of this consent. The development shall not be carried out otherwise than in strict accordance with the details approved under this condition. **REASON**: To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029.
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Planning Committee: 06 November 2019

Item Number: 5

Application No: [W 19 / 0423](#)

Town/Parish Council: Lapworth

Case Officer: Ragu Sittambalam

01926 456016 ragu.sittambalam@warwickdc.gov.uk

Registration Date: 14/03/19

Expiry Date: 09/05/19

Annexe at Yew Tree Cottage, Old Warwick Road, Lapworth, Solihull, B94 6BA

Erection of dwelling including demolition of existing barn. FOR Mr & Mrs Nelson

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

RECOMMENDATION

That the planning application is GRANTED subject to conditions.

The recommendation is subject to resolution of outstanding matters relating to Ecology, an update will be provided to Members in advance of committee.

DETAILS OF THE DEVELOPMENT

The application seeks planning permission to;

- Demolish an existing barn and ancillary outbuildings
- Erect a one and a half storey dwelling of a gable form (l:7.56m x w:12.96m x h:3.21-5.47m eaves-ridge). The property would benefit from openings to all elevations with rendered exterior and tiled roof covering.
- The dwelling would be served off the existing access with an in-curtilage parking/turning area proposed.

The site is subject to the following environmental constraints;

- Within Green Belt

THE SITE AND ITS LOCATION

The application site lies to the north side of Old Warwick Road, outside the main built up area of Lapworth Village. The area proposed for development sits within the extended curtilage of Yew Tree Cottage, a character property set on a substantial plot. To the east of the property is a large outbuilding set toward the highway with a fence and hedgerow boundary treatment.

PLANNING HISTORY

W/12/0731 - Conversion of existing outbuilding to triple garage unit with addition of pitched roof

GRANTED 21/08/12

W/18/2116 - Application for a certificate of lawfulness for proposed conversion of existing barn to residential use

WITHDRAWN 20/11/18

W/18/2553 - Prior Notification Application for change of use from B8 (Storage/Distribution) to C3 (Dwelling)

GRANTED 21/01/19

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- DS18 - Green Belt (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

Lapworth Parish Council (1st Consultation) - Objection

The Parish Council objects on the basis there is no exceptional reason for a new property in the Green Belt.

Lapworth Parish Council (2nd Consultation) - Objection

Lapworth Parish Council maintains its original objection - no exceptional reason for new property in the Green Belt. However if one is permitted that there should be a covenant so that it remains part of this property and cannot be sold independently onto the market.

Lapworth Parish Council (3rd Consultation) - Objection

Re-Comment upon the revised plan 16th Sept 2019

The applicant appears to have started with an application for an annex extension utilising an existing barn, kennels, plus opening an old driveway onto the Old Warwick Road. This driveway they formally declared as a dangerous exit onto the Old Warwick Road. Consequently, they gained permission for a new drive plus gateway to exit onto Grove Lane. This new drive onto Grove Lane is now frequently used by Yew Tree Cottage.

It now appears there is a completely new plan to build a new detached house utilising the declared 'dangerous' drive. This proposed new build is not sited

upon the original barn footprint for which the 'annex' application was earlier submitted. In addition, they have marked the outline for a garden and car parking. All detached from their existing Yew Tree Cottage.

On the application as proposed 'this annex' would appear to be a plan for siting of a new detached house. This begs the question, why do they need an additional house?

Once a precedent is established other new homes may follow upon this green belt and surrounding areas.

WCC Highways - No Objection

WCC Ecology - Additional Information Required

The application site is adjacent to Ecosite and part potential Local Wildlife Site 'Ostrich Farm' and is located in an area of optimal habitats for foraging bats and there are numerous bat records in the surrounding area. As demolition of barns is proposed an initial bat survey and nesting bird survey (including a survey for barn owl) by a qualified ecologist is required prior to determination of the application.

Neighbour Consultation

During the consultation period 2 objections were received over multiple consultations raising the following issues;

- Concerns over new dwelling in Green Belt
- Highway safety
- Conflicts with existing business in the area

Issues around the widening/formation of a new access were also raised however this does not form part of the application proposal. In addition, issues arising during construction were also raised but are not a material planning consideration.

ASSESSMENT

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF operates under a presumption in favour of sustainable development. It states that development proposals, which accord with the development plan, should be approved without delay. The adopted Development Plan where the site is located comprises of the Warwick District Local Plan (WDLP).

The main considerations in the assessment of this application are;

- Principle of Development
 - Sustainability
 - Green Belt
 - Fall-back Position
 - Summary
- Visual Impact

- Amenity
- Ecology
- Transport

Principle of Development

Sustainability

The NPPF seeks to promote sustainable development with paragraph 8 providing the starting point against which the sustainability of a development proposal should be assessed. This identifies three dimensions to sustainable development - an economic element, a social element and an environmental element which are interdependent and need to be pursued in mutually supportive ways.

DS5 of the WDLP reflects the NPPF's presumption in favour of sustainable development.

H1 of the WDLP sets out where housing is permitted within the district, including within Limited Infill village boundaries such as Lapworth. The policy allows for exceptions within the open countryside subject to certain strict criteria.

The site is located outside the village boundary of Lapworth and the proposals would not comply with any of the exceptions that allow for development outside the settlement boundary. Therefore the proposals conflict with Local Plan Policy H1. However, in this case there is a fall-back position that will be dealt with below.

Green Belt

DS18 of the WDLP sets out that the Council will apply national planning policy to proposals within the green belt.

Paragraph 145 regards the construction of new buildings as inappropriate in the Green Belt, with an exception under (g) being for limited infilling or the partial or complete redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development. Furthermore, exception (d) allows for the replacement of existing buildings is remaining in the same use.

The proposal would meet these exceptions because it would involve the demolition of an existing building considered previously developed land and its replacement with a building that is not materially larger. Therefore the proposals represent appropriate development within the Green Belt and comply with Green Belt policy.

Fallback Position

Such matters have been established through case law to be a valid consideration in the determination of planning applications through *Mansell v Tonbridge And Malling Borough Council* [2017] EWCA Civ 1314 whereby it was established at the Court of Appeal that fall-back may be a material planning consideration for an alternative development scheme. This court case is similar to the current

proposals in that the fallback related to an approval under Part 3 of the GPDO for the conversion of a building to a dwelling.

In applying the case law to this application notwithstanding policy, the current building could be converted to a residential dwelling under the terms of the extant Prior Approval. The differences in this proposal is that the application would demolish the existing building and erect a new dwelling set further back from the road as opposed to conversion, with the footprint measuring the same but with a height increase to the ridge of 20cm.

Summary

A new dwelling in this location would be contrary to Local Plan Policy H1. However, there is an established fall-back position to allow for the conversion of the existing building to a new dwelling under Part 3 of the GPDO. It is therefore considered on balance that the principle of development is acceptable. Given the nature of the fall-back position as an exception, it is considered prudent to remove permitted development rights.

Visual Impact

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.

BE1 of the WDLP reinforces the importance of good design stipulated by the NPPF subject to detailed criteria to ensure that new development is permitted where it will positively contribute to the character and quality of its environment through good layout and design.

The visual impact of the proposal is not considered to give rise to adverse impact being in a relatively enclosed area and of an appearance that would largely reflect that of the existing outbuilding. It is noted that the siting of the proposal would limit the prominence of the building. A condition to secure material samples has been added in the interests of visual amenity.

The visual impact is therefore considered acceptable in accordance with BE1 of the WDLP and the NPPF.

Amenity

Paragraph 127 of the NPPF states that planning decisions should in (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

BE3 of the WDLP sets out that development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents

and/or does not provide acceptable standards of amenity for future users and occupiers of the development

The site is set within the extended curtilage of Yew Tree Cottage; it is considered that the changes to the siting of the building would not comparatively have a substantive change in terms of amenity impacts compared to if the outbuilding was simply converted.

The impact on amenity is considered acceptable in accordance with BE3 of the WDLP and the NPPF.

Ecology

The application involves demolition of a barn to allow for the development which has been subject to consultation with the County Ecologist (CE). The application has been supplemented with a bat survey.

Paragraph 170 of the NPPF sets out that planning decisions should contribute to and enhance the local environment by minimising impacts on and providing net gains for biodiversity.

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

The CE has set out that further information is required with the additional information under consideration. The recommendation as set out is on the basis that matters relating to ecology can be suitably resolved with recommended conditions imposed. Members will be updated on this matter at Planning Committee.

Transport

Transport matters are considered in consultation with Warwickshire County Council's Highways Development Management team (HDM). There is no alteration to the access proposed with an in-curtilage parking provision of three spaces. Concerns raised during public consultation relating to this issue has been addressed in this section.

Paragraph 109 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

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 Parking Standards SPD sets out the parking requirements for new developments within the District.

With no objection raised by HDM and no alterations to the access point proposed, it is considered that the conversion to a dwelling would not adversely affect highway safety. The parking provision would comply with the Council's Parking Standards.

SUMMARY/CONCLUSION

The main planning considerations in determining this application have been set out and considered above stating accordance with relevant Local Plan Policy. The application has also been considered against the relevant sections within the National Planning Policy Framework (NPPF) and there is not considered to be any conflict between the local policies and the NPPF on the matters of relevance in this case.

The application has addressed the main considerations and given the permitted fall-back position, provides a substantive basis to permit the development. The proposal is therefore supported subject to resolution of outstanding matters relating to ecology.

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);

A202 - Proposed New Dwelling

Including specification contained therein, submitted to the LPA on 16/09/19.

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 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

- 4 The development hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times.

REASON: To ensure adequate off-street car parking and servicing facilities in the interests of highway safety in accordance with Policy TR3 of the Warwick District Local Plan 2011-2029.

- 5 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 any dwellinghouse hereby permitted. **REASON:** Since planning permission has been granted on the basis of the fallback position provided by Class P, Part 3 of the GPDO, for which permitted development rights are removed.
- 6 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.

Application No: [W 19 / 0784](#)

Town/Parish Council: Kenilworth

Case Officer: Lucy Hammond

01926 456534 lucy.hammond@warwickdc.gov.uk

Registration Date: 02/09/19

Expiry Date: 02/12/19

Land On The East Side Of Warwick Road, Kenilworth, CV8 1FE

Reserved Matters application pursuant to condition 1 of planning permission W/17/2150 for details of appearance, landscaping, layout and scale of 125 dwellings. FOR Bovis Homes West Midlands Region

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

This is a reserved matters planning application for the appearance, landscaping, layout and scale for the construction of 125 dwellings pursuant to the outline planning permission, approved by W/17/2150. While the red line site area is drawn around the whole site, it should be noted that there is a detailed full permission which, at the time of writing this report, is pending its decision being issued. This relates to seven dwellings at the frontage of the site, which was referred to Planning Committee in August, and for which there was a resolution to grant subject to the signing of a legal agreement ensuring these seven units were tied by the same obligations as the original outline permission for the whole site. For completeness, the layout plan for the Reserved Matters application shows the seven already permitted under the full application but for the avoidance of doubt these seven form part of the total number of 125 and are not seven additional dwellings.

THE SITE AND ITS LOCATION

The application site is located to the south of Kenilworth, east of the Warwick Road and adjacent to the Kenilworth Cricket Club. The site in its entirety (around which the red line application site boundary is drawn) measures 5.83ha in area and comprises agricultural land which is generally bounded by mature field boundary hedgerows and trees. The northern site boundary is bounded by the private gardens of the properties in Swift Close (accessed off Newey Drive). The Kenilworth Cricket Club lies adjacent to part of the western site boundary, enclosed to the south by a timber post and rail fence and to the east by hedgerows interspersed with some trees and gaps. The rest of the western site boundary is bounded by the Warwick Road. The railway line follows the eastern site boundary, the other side of which is Bullimore Wood. The southern boundary of the site is defined by an existing mature mixed tree and hedgerow line.

The site comprises allocated site H41 in the Local Plan and has been removed from the Green Belt following the adoption of the Warwick District Local Plan 2011-2029. There is a Grade II listed farmhouse opposite the site, approximately in line with the position of the proposed new access into the development off Warwick Road.

PLANNING HISTORY AND RELEVANT BACKGROUND TO THIS APPLICATION

W/17/2150 - Outline application with all matters reserved except for access for the erection of up to 125 dwellings together with vehicular/pedestrian access from Warwick Road; green infrastructure including a play area, other open space and landscaping; sustainable drainage; and other related infrastructure - Approved 26.09.2018

The aforementioned planning permission is subject to a S.106 Agreement which sets out a number of obligations and financial contributions that are required as part of the approved scheme. There are also a number of pre-commencement conditions attached to the outline permission which are required to be discharged prior to the commencement of any development on the site.

W/19/0322 - Full planning application for residential development of 7 dwellings, including vehicular access, pedestrian and cycle links, public open space, car parking, landscaping, drainage & associated works - Resolution to grant at Planning Committee subject to legal agreement; decision not yet issued at the time of writing this report.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- DS11 - Allocated Housing Sites (Warwick District Local Plan 2011-2029)
- DS15 - Comprehensive Development of Strategic Sites (Warwick District Local Plan 2011-2029)
- PC0 - Prosperous Communities (Warwick District Local Plan 2011-2029)
- H0 - Housing (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- Kenilworth Neighbourhood Plan
- H2 - Affordable Housing (Warwick District Local Plan 2011-2029)
- H4 - Securing a Mix of Housing (Warwick District Local Plan 2011-2029)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR2 - Traffic generation (Warwick Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029)

- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- HS6 - Creating Healthy Communities (Warwick District Local Plan 2011-2029)
- HS7 - Crime Prevention (Warwick District Local Plan 2011-2029)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029)
- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)
- DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029)

Guidance Documents

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

Neighbourhood Plan

- Kenilworth Neighbourhood Plan

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: Objection for the following reasons:

- The proposed road layouts do not give priority to pedestrians and cyclists and do not seek to achieve 20mph speed limits
- Connectivity of the proposed cycle/pedestrian routes with those already existing is considered unacceptable
- The affordable housing is located in one area and is furthest away from the public transport and pedestrian links
- The LEAP is close to the site entrance and should be fenced or otherwise protected
- The layout at the southern end is a thin row of trees which does not respect the Green Belt or create a soft edge to minimise the visual impact of the development
- There is no proposal to construct a pedestrian/cycle access at the Northern end of the site
- Scant regard has been given to environmental building standards, particularly NDP Policy KP15 and Local Plan Policy SC0
- The Town Council's comments on W/19/0322 remain valid on this site also. These are summarised below:
 - While the 7 units would not trigger the need for affordable housing, the site overall would be expected to deliver the required amount of affordable housing

- The TC is pleased to note compliance with NDP policies KP9, 12 + 15
- It is disappointing to see the buildings set back further from Warwick Road
- There is sympathy for nearby residents who are concerned about the access and noise
- There is an assumption the LEAP will be fenced for safety
- There is an assumption that any speed limit reduction on Warwick Road will be implemented prior to occupation of the dwellings

Leek Wootton & Guy's Cliffe Parish Council (Adjoining Parish Council):

Objection for the following reasons:

- Particular concern relates to the access to the site off Warwick Road
- A T-access junction is insufficient to serve a development of this size
- There is already increasing traffic at certain times of the day and the development will intensify this
- There are already other entrances to the Wootton Grange development on the west side of Warwick Road and the pedestrian footpath from Leek Wootton to Kenilworth crossed from west to east in the vicinity of this site. The entrance to the cricket ground and its accompanying facilities and access provision therefore needs to be suitable
- A roundabout has always been considered more appropriate but has not been taken forward by the Highways Authority

Officer note - Access was considered as part of the outline application (W/17/2150) and was approved under that permission. The junction improvements deemed necessary and appropriate by the Highways Authority were considered as part of the outline application. Access therefore cannot be re-considered as part of this reserved matters application.

Lead Local Flood Authority: No objection

Housing Strategy & Development Manager: No objection

WCC Ecology: No objection

Sport England: No objection

WCC Landscape: Comments in respect of species planting

Natural England: No comments to make

Open Space: No objection overall but clarification required in respect of some technical details on the plans

WCC Highways: Initial objection; further information including a Stage 1 Road Safety Audit received and final confirmation is awaited from the Highways Authority. This is expected before the committee date and will be reported via the committee update report.

Waste Management: Comments in respect of the distance for wheelie bins to be moved. The guidance requires 2 wheeled containers to be moved no more than 15m from the point of storage and it is noted that the refuse strategy shows some areas where there are 25m travelling distances for waste operatives.

Police: No objection

Public Response: 16 letters of objection received raising the following points:

- there are no cycle paths or links to the town centre
- pedestrian foot paths remain narrow
- the entry/exit point from Warwick Road is hazardous
- the developer should fund improvements to the junction at Rouncil Lane / Warwick Road to ease increased traffic flow from the new development
- traffic calming should be funded by the developer
- garages are not large enough to accommodate cars
- EV charging points should be provided
- there are concerns about the proposed boundary treatments
- there are concerns about the proposed planting and soft landscaping
- concerns about the impact of the development on ecology and wildlife
- there should be no storage of materials or site offices near the boundary with Swift Close
- there will be a loss of amenity to the Green Belt
- there will be increased noise and light pollution to neighbouring properties nearby
- there is little information on street lighting
- there should be no cycle links or connectivity through Swift Close as this would be hazardous to existing residents

ASSESSMENT

As this is an application for the approval of reserved matters, it is not possible to reconsider the principle of development. This was considered in the assessment of the outline planning application and was found to be acceptable. The outline planning permission also approved the vehicular access to the site off Warwick Road and this does not form part of the application for which permission is being sought at the present time. This therefore cannot be reconsidered as part of this current application.

Since the principle of development cannot be re-visited, consideration of the current application can only include issues related to the detailed appearance, landscaping, layout and scale of the 125 dwellings proposed by Bovis Homes.

In view of the above, the main issues relevant to the consideration of this application are as follows:

- Design and layout;
- Landscaping and open space provision;
- The impact on the living conditions of nearby dwellings;
- Highway safety;
- Impact on nearby heritage asset;
- The ecological impact of the proposals;
- Drainage and flood risk;
- Ball stop mitigation; and
- Health and wellbeing.

Design and layout

The Garden Towns, Villages and Suburbs Approach

The Council's 'Garden Towns, Villages and Suburbs' Prospectus seeks to bring together the key characteristics of the garden suburbs and villages approach, which include coherent and well planned layouts, high quality design and consideration of long term management arrangements. The site is considered as a 'neighbourhood edge' area; lying at the edge of existing established built development to the north and west, with adjoining countryside to the east and south.

It is considered that the proposed scheme would conform to the garden suburb design principles by exhibiting the characteristics of a leafy, well designed residential neighbourhood within which open space and structural landscaping is an integral part.

The development is for 125 dwellings and this is an allocated site in its own right which does not form part of a wider site. Therefore, this does not form one phase of a larger development and as such a central spine road through the site would not be expected to connect to other adjoining phases of development. In this case, the principal street which comes off Warwick Road, leads into the development and turns approximately 90° to head northwards into the rest of the development, which, overall, is arranged in an 'L-shape'.

There is a clear hierarchy of streets; the principal street provides the entry into the development, with key focal spaces along the route. From this, a network of secondary and tertiary streets provide access to the rest of the dwellings and some private drives which are positioned around the periphery of the development. Around the perimeter of the site, there is a footpath providing complete access around the development for pedestrians.

Comments from third parties are noted about connectivity through the site to the north and why there are not better links to avoid occupants at the northern end having to travel to the southern end of the site to join up to the Warwick Road in order to access the town centre. This was considered at the outline stage and matters remain the same now. Land ownership issues prohibit any connections being made through the northern end of the site because the other side of the application site boundary are private gardens belonging to the neighbouring properties.

Overall, the layout and street hierarchy presents a clear and legible form of development with appropriate pedestrian and cycle connectivity where it is possible to do so. For example, there is a network of footpaths around the site's perimeter, providing pedestrian links around the periphery of the development for all users. Similarly, this can be utilised in part, by cyclists, to provide access onto the Warwick Road, towards the southern half of the site (north of the vehicle access). However, for the reasons already set out connected to land ownership, connections cannot be provided through the northern boundary of the site.

The prospectus indicates that the linear layout can be less regimented for the 'neighbourhood edge' with a looser urban pattern of semis and detached houses. The layout provides a balanced mix of detached and semi-detached properties with frontages that provide ample space for soft landscaping opportunities that would add to the verdant, garden suburb character.

The Council's Residential Design Guide (2018) sets standards for the distance separation between the windows of habitable rooms in dwellings. Across the

development, all properties which share a back to back or a back to side relationship, either satisfy the minimum distance, or exceed it. Officers therefore consider that the scheme creates an overall character of spaciousness, which positively meets the aims and objectives of the garden suburb prospectus and ensures a good standard of amenity for future occupiers.

General design and layout considerations

The development comprises a predominance of two storey dwellings, with a small number of bungalows, through a mix of detached and semi-detached dwellings.

The proposed density of the development is 21.4 dwellings per hectare, which is considered low, but is also considered appropriate to this edge of settlement location where the site adjoins open countryside to the south and east. Ultimately, the layout represents an efficient use of land and results in a well-spaced and legible layout that accords with the general design principles set out in the aforementioned design guidance.

In terms of appearance, the development incorporates a wide-ranging variety of house types. These include a number of architectural features and details, including, for example, porches and chimneys, the use of timber framing on gables, cat slide roofs on front projecting gables, arched heads and cills and other brick features and detailing. A materials plan has been submitted with the application which illustrates that a predominant use of red brick and multi red brick is proposed across the development, with the use of render in combination with red brick on focal buildings at key locations within the development; i.e. focal spaces, prominent corners and the gateway into the site. Notwithstanding the materials plan showing where it is envisaged materials would be used within the development, it is appropriate to require samples of the materials to be used by condition. Officers consider that the proposed design and architectural style of the dwellings would result in a high quality and diverse finish and appearance.

Overall, it is considered that the proposed design and layout would result in an appropriate form of development in visual terms and would not give rise to any harm to the general character of the area.

Housing mix

Policy H4 of the Local Plan requires residential development to include a mix of market housing that contributes towards a balance of house types and sizes across the district in accordance with the latest SHMA and as summarised in the most recent guidance document 'Provision of a Mix of Housing' (June 2018), based on current and demographic trends, market trends and the needs of different groups in the community. This proposal provides the following mix:

Market Housing

Bedrooms	Total	% Proposed	WDC requirement	Difference
1-bedroom	2	2.7%	5.9%	- 3.2%
2-bedroom	19	25.3%	29.4%	- 4.1%
3-bedroom	32	42.6%	41.1%	+ 1.5%
4-bedroom	22	29.3%	23.7%	+ 5.6%

Total	75	100%	100%	

While it is noted that the above mix would result in a slight under provision in 1 and 2 beds and a slight over provision in 3 and 4 beds, consideration has been given to both the SHMA 2012 and the Joint 2013 SHMA and the information contained therein in respect of market housing mix. For Kenilworth in particular, there is a lesser need for 2 and 3 bed properties and a greater need for 4+ bed properties. The above mix is more in line with this.

Moreover, the overall market housing mix is in line with the previously approved Design Code and the information that was provided in respect of housing mix in pursuance of discharging that condition from the outline permission.

In making an assessment of the market housing mix overall, officers consider that the proposals are acceptable.

Affordable Housing

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

Bedrooms	Total
1-bedroom	6
2-bedroom	29
3-bedroom	13
4-bedroom	2
Total	50

This proposal would provide 40% affordable housing comprising the mix of dwelling sizes set out in the above table. The Housing Development and Strategy Officer has confirmed that the mix and tenure split is exactly in line with that previously agreed and set out in the original S.106 Agreement and is therefore acceptable.

The layout plan illustrates how the affordable housing would be distributed across the site. Of particular note are the affordable units located along the principal street and the main entry into the development. Plots 8, 9, 30, 31, 37 and 38 comprise three pairs of semi-detached properties, all fronting the principal road and positioned near focal spaces.

Beyond the principal street, the remainder of the affordable units are evenly spread throughout the south, central and northern parts of the development. Most affordable dwellings are located along streets which are passed to gain access to other streets within the development. As such, they are not grouped together in isolated cul-de-sacs, nor do they form segregated parts of the development which would only be accessed by occupiers of the affordable units and accordingly, the development encourages social integration and cohesion. Officers therefore consider that the affordable housing is evenly spread across the site in a satisfactory manner.

Landscaping and open space provision

This application includes landscaping though it is important to distinguish that some matters are dealt with separately by condition in pursuance of the outline permission, for example details of the open space provision including play facilities as well as details such as the Landscape and Ecological Management Plan. There are also matters which are covered by the S.106 obligation discharge process and accordingly these matters do not form part of the reserved matters application considerations.

The Open Space officer has reviewed the plans and supporting information submitted with the application and some of the comments made relate to matters which are conditions and/or S.106 obligation requirements in pursuance of the outline permission. As such these are not matters for the reserved matters application and cannot form part of the landscaping and layout considerations. As far as the RM application is concerned, the Open Space officer has sought some clarification in respect of a few outstanding details, none of which are fundamental however, and it is anticipated this will be received and reported via the committee updates sheet.

Notwithstanding the additional clarification sought, there are no objections overall from a landscaping and open space point of view. Subject to any additional conditions that the Open Space may deem appropriate to recommend on receipt of the additional information prior to the committee date, overall, officers are satisfied that the proposed landscaping and public open space accords with the requirements of the adopted SPD and general principles of the relevant Local Plan policies. Accordingly, the scheme is acceptable in this regard.

A number of comments have been received from neighbours about the landscaping proposed at the northern end of the site, in particular between the development and Swift Close and Newey Drive. The submitted landscape plans show that along the northern boundary which separates the development from the boundary with the properties in Swift Close, there would be a dense buffer of tree planting, comprising a mix of heavy and extra heavy standard trees together with conifer or broad leaf evergreen tree. Along the actual boundary line of the site a 1.8m high close board timber fence is also proposed to enclose the site and what would be the rear private gardens of the properties along this northern part of the development. This is considered an acceptable form of boundary treatment and further supplemented by the proposed landscaping would ensure an appropriate visual finish for the development in terms of landscape mitigation.

Furthermore, the landscaping plans have been updated a number of times throughout the course of the application to reflect a series of changes requested by the County Ecologist, Landscape Officer and Open Space Officer and overall, officers are satisfied that the development is now acceptable in this regard.

The impact on the living conditions of residential properties

The proposed layout and design of this development is in accordance with the garden suburb approach and having regard to the general ethos of the Residential Design Guide, would provide a high level of residential amenity to the future occupiers of the development within an attractive setting. The separation distances to surrounding properties to the north are considered to be acceptable, and across the rest of the development, between new dwellings, distance separation either meets or exceeds the minimum standards set out in the guidance.

Highway safety / car parking

The access into the development is off Warwick Road, in the location approved under the outline permission. The number of objections received from neighbours and the Town Council citing highway safety and access as a fundamental concern is noted, however, this cannot be re-considered as part of this application because it is already approved in this location.

The internal road layout was subject to an initial objection from the County Highways Authority who raised a number of points requiring technical clarification, additional information and revised plans in order to resolve the objection. A Stage 1 Road Safety Audit (RSA) was also required prior to determination which was submitted to the Road Safety Team for review and approval.

At the time of writing this report the vast majority of the Highway Authority's technical points have been overcome through the submission of revised plans and

additional supporting information, however the formal objection has not yet been withdrawn because the Road Safety Team have not yet approved the RSA and the removal of the objection is dependent on this. It is anticipated that before the planning committee meeting, the RSA will have been reviewed by the Road Safety Team and based on prior discussions with the County Highways Authority about the content of the RSA and the level of information and detail it needs to comprise it is not anticipated there should be any outstanding issues. To that end, it is envisaged that the final response of the Highways Authority, incorporating the final comments of the Road Safety Team in respect of the RSA will be reported via the committee updates sheet.

Nearly all of the properties have the appropriate level of parking in accordance with the Council's Vehicle Parking Standards. There are however, eight dwellings (4 or 5 bed properties) where a third off-road parking space is not provided and where, instead, the garage has been provided to the appropriate internal dimensions stipulated in the Parking Standards so that it can be utilised as the third parking space. Garages will not normally be counted as part of the parking provision since the starting point should be sufficient off-street parking should be provided without having to rely on garages. In this instance however, there are a number of constraints that have made it difficult to comply with all the relevant design guidance and policies whilst also having regard to the relevant condition and S.106 requirements, principally ecology and biodiversity (this is considered in the relevant section below).

Overall, in order to accommodate the necessary open space, landscaping and biodiversity requirements, this has resulted in eight plots having to accommodate their third parking space within the garage. They are however double garages so are quite capable of accommodating a vehicle and in this instance, it is considered on balance an acceptable compromise in respect of the parking solutions proposed. It is further noted that the development proposes a number of additional/overflow spaces marked out along the roads within the development, to accommodate visitors.

Bin collection points have been provided where necessary, having regard, where possible, to the guidance which requires a maximum 15m distance for bins to be carried from properties to bin collection points, and from collection points to kerbside.

Overall, the development is not considered to be detrimental to highway or pedestrian safety and accordingly complies with policies TR1 and TR3 of the Local Plan.

Impact on heritage assets

Considerable importance and weight should be given to the duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, when making decisions that affect listed buildings and conservation areas respectively. These duties affect the weight to be given to the factors involved.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special

architectural or historic interest which it possesses.” Policy HE1 of the Local Plan expects development proposals to have appropriate regard to the significance of designated heritage assets. Where any potential harm may be caused, the degree of harm must be weighed against any public benefits of the proposal.

The nearest listed building is Wootton Grange Farm House, located approximately 30m away from the nearest edge of the application site, but in total, approximately 50m away from the nearest proposed built development. No conservation objections are raised to this development and it is not considered there would be any harm to the setting of this heritage asset. Materials should be conditioned to ensure the most appropriate use of materials for this area, context and setting.

In making this assessment, regard has been had to the weight that should be given to the desirability of preserving the special interest and setting of the heritage assets and the proposal is considered to accord with Policy HE1 of the Local Plan.

Other matters

Ecological impact

The Ecologist was satisfied at outline stage that any ecological impact could be successfully mitigated through planning conditions and these were imposed upon the original outline application W/17/2150. In addition, a S.106 agreement secured a maximum financial contribution to be paid towards biodiversity offsetting which was directly related to a maximum biodiversity unit loss identified at the time, which should not exceed 4.99 units. With the layout now determined and the landscaping and open space proposed as part of the final layout, a revised BIA calculation was undertaken to establish the actual biodiversity loss which was in excess of the original 4.99 units.

A series of amended landscaping drawings have been submitted as part of this application and alongside them ongoing discussions have been held with the County Ecologist to ensure that appropriate measures are being taken in respect of biodiversity and ecological mitigation. At a final loss of 5.14 units, it has been agreed with the County Ecologist that this is within acceptable margins to still be covered by the S.106 contribution originally identified and there would be no need to vary the original agreement to secure any increased figure.

Although they are separate matters to the reserved matters application it is worth noting that the County Ecologist has confirmed that the LEMP and landscaping plans are acceptable and no objections are raised to the development.

The ecological conditions imposed on the outline permission do not need to be replicated as part of this reserved matters application and are subject to the separate discharge of conditions process. Overall, officers are satisfied that the proposals are acceptable in this respect and the development therefore accords with Policies NE2 and NE4.

Drainage and flood risk

The proposed site layout illustrates an attenuation basin similar to the one proposed and shown on the indicative site layout in the outline application and located in the same area of the development. This proposal does not vastly differ from the indicative layout shown in the original outline application and based on the information submitted with this reserved matters submission, the Lead Local

Flood Authority has no objection to the development. Further information in relation to flood risk and surface water is still required to be submitted pursuant to the relevant condition on the outline permission and this would need to be reviewed accordingly by the Lead Local Flood Authority before it can be approved. Officers are therefore satisfied that the reserved matters application is acceptable in relation to flood risk and drainage matters.

Ball stop mitigation

Ball stop mitigation was a condition requirement on the outline permission and given its importance, became a condition requirement on the subsequent full permission for the seven-unit scheme. In the intervening time period between applications being considered the condition on the outline permission has since been discharged and therefore this matter is satisfied in line with comments received from Sport England and the input from the adjoining Cricket Club. For the avoidance of doubt, it is considered appropriate for any forthcoming reserved matters permission to make reference to the approved ball stop mitigation and associated drawings to ensure that the development is carried out in accordance with these approved details.

Summary/Conclusion

Officers consider the proposed development would provide a high quality residential environment in accordance with the garden suburbs principles, including an appropriate mix of market and affordable housing, where the affordable housing is distributed evenly across the site. There are distinct character areas which define this development and the dwellings themselves are varied in their architectural styles and finishes. The development would be well landscaped with the various typologies set out in the open space SPD all being met or exceeded.

There would be no harm caused to the amenity of existing neighbouring properties, and future occupiers of the development would be provided for with garden sizes and distance separation that either meets or exceeds the standards set out in the Council's adopted guidance.

There would be no harm to heritage assets, and no detriment to highway safety, flood risk / drainage or ecology and biodiversity offsetting and the relevant condition pursuant to the outline permission in respect of ball-stop mitigation to safeguard properties adjacent to the Cricket Club has already been discharged but for completeness, it is considered appropriate for those drawings to be referenced in the approved plans condition imposed on any permission forthcoming on this application.

Having regard to all of the above, officers consider the scheme complies with the relevant policies of the Development Plan, and accordingly, it is recommended that planning permission be approved.

CONDITIONS

- 1 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and the following approved drawings received on the following dates:

13 May 2019

KENI-BOV-0410-XX-DR-A-1001, KENI-BOV-0611-XX-DR-A-1002, KENI-BOV-09F0-XX-DR-A-1003, KENI-BOV-P4F1-XX-DR-A-1004, KENI-BOV-08F0-XX-DR-A-1005, KENI-BOV-0810-XX-DR-A-1006, KENI-BOV-11F1-XX-DR-A-1007, KENI-BOV-11F2-XX-DR-A-1008, KENI-BOV-07F1-XX-DR-A-1009, KENI-BOV-13F1-XX-DR-A-1010, KENI-BOV-14F0-XX-DR-A-1011, KENI-BOV-18F0-XX-DR-A-1012, KENI-BOV-18F0-XX-DR-A-1013, KENI-BOV-20F0-XX-DR-A-1014, KENI-BOV-20F0-XX-DR-A-1015, KENI-BOV-31F0-XX-DR-A-1016, KENI-BOV-31F0-XX-DR-A-1017, KENI-BOV-23F0-XX-DR-A-1018, KENI-BOV-23F0-XX-DR-A-1019, KENI-BOV-2911-XX-DR-A-1020, KENI-BOV-1BF0-XX-DR-A-1021, KENI-BOV-S110-XX-DR-A-1022, KENI-BOV-2410-XX-DR-A-1023, KENI-BOV-2510-XX-DR-A-1024, KENI-BOV-P410-XX-DR-A-1025 and KENN-05-SK108 and specification contained therein;

2 September 2019

P18-2572_06 Rev.B and P18-2572_30 Rev.A and specification contained therein;

3 October 2019

JBA 18_323_02 G, JBA 18_323_03 G, JBA 18_323_04 G, JBA 18_323_05 G and JBA 18_323_06 G and specification contained therein;

9 October 2019

AGD2-1VT (Double Garage), AGD2-1VT (Double Garage Plots 1,2,5), AGD2-3, AGS2-2VT, AGS2-2X2VT, AGS2-3-2VT, AGS22 and AGS3-2X2VT and specification contained therein; and

23 October 2019

P18-2572_01 T Proposed Layout, P18-2572_01 T Proposed Layout_LR, P18-2572_24 F, P18-2572_25 G, P18-2572_26 F, P18-2572_27 F, P18-2572_28 F, P18-2572_29 G and P18-2572_31 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.

- 2 No development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

Planning Committee: 06 November 2019

Item Number: 7

Application No: [W 19 / 0818](#)

Town/Parish Council: Warwick

Case Officer: Emma Booker

01926 456521 Emma.Booker@warwickdc.gov.uk

Registration Date: 17/05/19

Expiry Date: 12/07/19

66 Market Place, Warwick, CV34 4SD

Variation of Condition 3 of planning permission ref: W/17/1033 to extend previously approved opening hours from 08:00 to 23:00 on any day to 09:00 to 23:30 Sunday to Wednesday, 09:00 to 24:00 Thursdays and 09:00 to 01:00 Fridays and Saturdays FOR The Table Ltd

This application is being presented to Planning Committee due to the number of support responses received from the public and it is recommended for refusal. The application was presented to Members at the previous Planning Committee meeting on 9 October but was deferred to the enable the Environmental Health Officer (EHO) to attend.

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The applicant seeks to vary Condition 3 of planning permission ref: W/17/1033 ("Change of use from Retail (Class A1) to a mixed use of Retail (Class A1), Restaurant and Cafe (Class A3), Drinking Establishment (Class A4) and the sale of food and drink for consumption on or off the premises"). Condition 3 limits the hours that customers are allowed on the premises to between 0800 and 2300 on any day. The reason cited for Condition 3 is "The premises are closely adjoined by residential properties and the local planning authority considers it necessary to strictly control the nature and intensity of use of the premises in the interests of the amenities of the area in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011."

The opening times proposed are:

- 09:00 to 23:30 Sunday to Wednesday
- 09:00 to 24:00 Thursdays
- 09:00 to 01:00 Fridays and Saturdays

THE SITE AND ITS LOCATION

The application site is a Grade II Listed Building situated within Warwick Town Centre and the Warwick Conservation Area.

PLANNING HISTORY

W/17/1033 - Change of use from Retail (Class A1) to a mixed use of Retail (Class A1), Restaurant and Cafe (Class A3), Drinking Establishment (Class A4) and the sale of food and drink for consumption on or off the premises. - Granted 20.08.2017.

W/16/0330 - Change of use from A1 retail to mixed use A1 retail and A3 restaurant (Sui Generis) – Withdrawn 28.04.2016

W/15/1496 - Change of Use from A1 Retail to a Mixed Use of A1 Retail and A3 Café – Withdrawn 13.11.2015

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- BE3 - Amenity (Warwick District Local Plan 2011-2029)

SUMMARY OF REPRESENTATIONS

Warwick Town Council - Objection. Residents' objections raise concern and current licensing needs to be reviewed.

Environmental Health - Objection.

- Environmental Health received reports from local residents of unacceptable noise, disturbance and antisocial behaviour late into the night.
- When investigating the complaints, Environmental Health Officers observed that the premises were open until 1am, well beyond the 11.30 closing time stipulated in condition 3 of planning permission ref: W/17/1033. Antisocial behaviour by the establishment's customers was also observed.
- The bar has provided door staff to attempt to manage the customers outside the door, but this has failed to alleviate disturbance to an acceptable level.
- The planning permission granted in 2017 envisaged a mixed use with eating and drinking until 11.30pm. Collective observations confirm that it has become a bar. The premises' current opening times (in breach of Condition 3) attracts antisocial behaviour, impacting on the well-being of close neighbours. We have no confidence that the applicant can manage customers to be unobtrusive.
- The way to remove the noise problem from the street drinkers / smokers associated with this bar late at night is to enforce the existing planning condition not to accommodate it by removing or weakening the condition.

CCTV - No objection.

Warwickshire Police, Designing Out Crime Officer - No objection.

Public Response –

19 separate responses of objection from 10 addresses have been received on the following grounds:

- Residents raise concerns over the level of noise and antisocial behaviour generated from the bar late into the night.
- The opening of the Iron Works has changed the character of the area. What was a brilliant place to live has become stressful and noisy.
- Neighbours do not feel safe parking our cars at Market Place due to antisocial behaviour outside the bar.
- Neighbours are unable to tolerate the bar. Most of the support comments are coming from those who do not live close to the pub.
- Neighbours understand that some noise is part and parcel of living in the town centre, but the issue now is that the bar is disturbing people.
- Despite the efforts from the owner to enforce rules to limit noise and disturbance, the situation has not improved. The staff do not follow the rules.
- The bar is now beginning to affect resident's health due to lack of sleep.
- It has become intimidating to walk past the bar due to drunken people outside. The street is dirty from vomit, alcohol, urine, cigarette ash and butt ends etc. associated with the bar.
- Drinking places belong in Market Square, where the businesses manage their customers better.
- It is almost certainly the case that the future of the area designated for retail use will depend upon the encouragement of residents to live in those areas. Therefore, everything possible should be done to encourage residencies, rather than the reverse.
- Warwick Relief in Need Charity raise concerns that demand for their rented accommodation will likely reduce due to the negative impacts of the bar on the resident's quality of life.
- The increase in taxis passing by the venue looking for business, slowing down and speeding off and running engines has added to the late night noise in the street which used to be minimum.
- The venue applied for a food venue/cafe licence and it has never served food or made any visible attempt to.
- Nearby businesses have been negatively affected by the customer's antisocial behaviour.

14 separate responses of support have been received from 12 addresses on the following grounds:

- The bar makes a positive contribution to the town by providing a late night place for drinking and socialising. The bar has brought diversity to the town. In order to thrive as a town, it is important to have a nightlife.
- Some neighbours consider the noise and disturbance from the premises to be acceptable.
- The bar makes Warwick Town Centre better as it is different to the other bars.
- Restrict the opening hours would make customers travel into Leamington for a later evening drink.
- The IronWorks is a local asset, generating revenue and good-will.

Allowing the premises to remain open for longer will bring it in line with several other licensed premises around the Market Square such as the Rose and Crown, The Globe, The Tilted Wig - all of which are open beyond 11pm on Saturdays. Noise can and should be addressed through positive engagement with Ironworks and, whilst this is a serious issue and should be dealt with, it does not provide

sufficient grounds not to grant an extension to the opening hours of the premises.

ASSESSMENT

It is considered that the key issue to be assessed in the determination of this application is the impact of the increased opening hours on the amenity of the occupiers of nearby properties.

Impact on the amenity of neighbouring properties

Warwick District Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents.

In recent months the premises has been operating in breach of Condition 3 (restricting opening hours from 0800 to 2300 on all days), remaining open until late into the night. Environmental Health have received complaints from neighbours and subsequently carried out an investigation. EHOs have confirmed that the neighbours' complaints are genuine and have submitted a strong objection to the proposed variation of Condition 3 to extend the business's opening hours. The Environmental Health Officer considers that an extension to the opening hours which would enable the business to operate later into the night, would cause an unacceptable level of harm to the amenity of the neighbours by virtue of increased noise, disturbance and antisocial behaviour. Environmental Health and neighbours acknowledge that efforts have been made to reduce the noise generated by employing a doorman, but it is considered that this has failed to curtail disturbance to an acceptable level. Consequently, Environmental Health Officers have no confidence that the applicant can manage customers to be unobtrusive. It is therefore considered that the way to remove the noise problem from the street drinkers/smokers associated with this bar late at night is to enforce the existing planning condition not to accommodate it by removing or weakening the condition.

Warwick Town Council and residents of 10 nearby addresses have submitted objections to the application. Neighbours consider the location of the premises to be inappropriate for a mixed use business on the basis that there are many residential properties in close proximity to the site whom are subject a level of disturbance beyond what is reasonably expected from living within a town centre location. A number of local residents have expressed that the character of the area has been changed and the street now feels less safe at night due to customers regularly drinking out on the street. Increased demand for taxis has also increased the noise from traffic late at night. Residents do not consider it safe to park their vehicles outside the premises due to customers' regular antisocial behaviour. It is also considered that the business's operations will discourage residents from moving into the area, having a direct impact on the future of the area designated for residential use.

It is acknowledged that there are other Pubs in Warwick Town which have licences for later opening times:

- The Globe on Theatre Street is open Monday - Wednesday 08:00 - 23:00; Thursday - Saturday 08:00 - 00:00, Sundays 08:00 - 23:30 and Sundays

prior to Bank Holidays, Christmas Eve, Halloween and Bonfire Night 08:00 - 01:00.

- Thomas Lloyd on Market Place is open Sunday - Thursday 09:00 - 00:30, Friday - Saturday 09:00 - 01:00 and Christmas Eve and Boxing Day until 02:00.
- The Tilted Wig on Theatre Street is open Sunday - Thursday 10:00 - 00:00, Friday - Saturday 10:00 - 01:00, Christmas Eve and Boxing Day an additional hour into the morning; a further hour into the morning on every Friday, Saturday, Sunday and Monday for each Bank Holiday (including Friday for Easter) and on New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.
- The Rose and Crown on Market Place is open Sunday - Thursday 09:00 - 00:00 (no sales after 23:00) and Friday - Saturday 09:00 - 01:00 (no sales after 23:00).

However, the EHO has stated that these other Pubs are not located in the immediate vicinity of the application site and therefore a direct comparison would not be appropriate. In this instance, the EHO has observed that Market Place is quiet after 23:00 and has had the benefit of witnessing first-hand the applicant's premises operating at the hours that are being sought by the application. Environmental Health have also received complaints from local residents about the premises and have witnessed first-hand the noise impacts resulting from patrons of the application premises in the street at the late hours. The other premises mentioned benefit from historic permissions and established uses, are in relatively busier locations and have fewer residential properties in close proximity.

The Town Council considers that the concerns of the neighbours need to be addressed and the licensing of the premises needs to be reviewed.

Warwickshire Police and WDC CCTV have raised no objection to the scheme.

14 support comments from 12 local addresses have also been received. Local residents consider The Iron Works to have had a positive impact on the local area, providing a unique late night place for drinking and socialising. It is considered that bar has brought diversity to the town and in order to thrive, it is important to have a nightlife. A number of local residents consider the level of noise and disturbance from the business to be acceptable. One supporter of the scheme suggests that positive engagement with the business is a better way to deal with the noise issue, they consider that the issue of noise does not provide sufficient grounds not to grant an extension to the opening hours of the premises.

Taking all of the comments into consideration, it is considered that an extension to the opening hours of The Iron Works would cause unacceptable harm to the amenity of the neighbours. Market Place accommodates a high number of residential properties, many in very close proximity to the site. Given that The Iron Works is located within a mixed use retail and residential area; it is considered an unsuitable space to accommodate a drinking establishment that is open late into the night beyond 11pm. It was acknowledged within the assessment of planning application ref: W/17/1033 that use of the premises as a mixed A1, A3 and A4 use could potentially impact on the amenity of the

neighbours. Therefore, the imposition of Condition 3 to prevent closing time beyond 11pm was considered necessary in order to protect neighbour amenity. To vary this condition to extend the opening hours would result in an unacceptable form of development which would have a negative impact on the amenity of the neighbours by virtue of increased noise and disturbance for prolonged period of time. The proposal therefore fails to satisfy the criteria of Local Plan Policy BE3 and is recommended for refusal.

REFUSAL REASONS

- 1 Warwick District Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents.

In the opinion of the Local Planning Authority it is considered that the proposed extension to the opening hours would result in material harm to the living conditions of neighbouring residents by reason of noise, disturbance and anti-social behaviour derived from customers leaving and congregating outside the premises late into the night.

The permitted hours, 0800 - 2300, are considered appropriate for the location of the site in a mixed commercial and residential part of the town centre in order to strike an acceptable balance between the commercial and residential role of this part of the town centre. To permit the business to open later into the night, on all days of the week, would result in an unacceptable form of development which would fail to comply with Local Plan Policy BE3.

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

Application No: [W 19 / 1341](#)

Town/Parish Council: Radford Semele
Case Officer: Jonathan Gentry

Registration Date: 08/08/19
Expiry Date: 03/10/19

01926 456541 jonathan.gentry@warwickdc.gov.uk

Wimsley, 30 Southam Road, Radford Semele, Leamington Spa, CV31 1TA
Proposed demolition of existing first floor/roof and erection of new first floor and internal alterations. FOR Mr & Mrs Ohara

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The application seeks planning permission for the proposed demolition of the existing first floor/roof of the dwelling, and the erection of an entirely new first floor. Associated internal alterations are also proposed.

THE SITE AND ITS LOCATION

The application site relates to a large detached dwelling situated within a substantial plot, located to the south of its access, a private road that runs to the west from Southam Road. While the application property is a dormer bungalow, the properties within the surrounding area are of distinctly individual size, style and design, and no specific architectural character predominates.

PLANNING HISTORY

W/17/0627 - Erection of one and half storey rear extension and roof alterations to include hip to gable extensions on both sides - Granted 21/6/17.

RELEVANT POLICIES

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

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

SUMMARY OF REPRESENTATIONS

Radford Semele Parish Council - Object on grounds of proposed design being out of keeping with the surrounding properties.

WCC Ecological Services - Recommend pre-determinative bat survey.

ASSESSMENT

Impact on the amenity of neighbouring properties

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. 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 or by creating an unneighbourly and overbearing effect.

It is noted that the general massing of the property will increase quite significantly as a result of the proposal which would effectively convert the dormer bungalow into a full size contemporary two storey dwelling. However, the proposed works will not result in any breach of the 45-degree guideline to neighbouring properties; No.28a being the only dwelling positioned immediately adjacent to the application property. The overall footprint of the dwelling will not notably increase as a result of the proposal, and therefore no additional impact in relation to amenity is anticipated at the rear of Nos.10 & 12 Kingshurst, which abut the eastern boundary of the application site. It is therefore considered that the proposal would not result in material harm to the living conditions of the occupiers of the neighbouring properties by reason of loss of light or outlook. In addition, the fenestration proposed at first floor level is directed to the front and rear of the property, in line with the dormer windows currently in place. It is therefore considered that the proposed development will not result in material increase in overlooking or loss of privacy.

For these reasons it is concluded that the proposal complies with the aforementioned policy in relation to amenity.

Design and impact on the street scene

Local Plan Policy BE1 states that development will be permitted where it harmonises with and improves the character of the surrounding area. The adopted Residential Design Guide SPD also sets out design principles which development proposals are expected to comply with.

Radford Semele Parish Council has objected to the application on grounds of its appearance, which they consider to be completely out of keeping with neighbouring properties. They also request consideration be given as to the suitability of the proposed materials. The Parish Council considers that the

proposal would completely remodel the dwelling to the extent that it's original form will not be evident, transforming its appearance to that of a contemporary and bespoke development.

It is held that there is no strong character or style to the other properties located along the Southam Road access spur. While there are currently no other properties of a style directly comparable to that proposed, it is considered that by virtue of the mixed character of the area, the proposal would suitably harmonise with the existing built form. In addition, it is considered that the proposed remodelling would respect surrounding buildings in terms of scale, height, and massing. Indeed, it could be considered that the works will generate visual appeal and architectural interest to the site, when compared to the existing pleasant, albeit unremarkable dwelling. The Residential Design Guide SPD does not include specific guidance in relation to the remodelling of dwellings, but does state that two storey flat roof extensions will not normally be acceptable. However, it is considered that the character of the location and the context of the works is a material consideration to justify departing from the standard guidance in this particular case where the proposal adopts a more bespoke, contemporary and modernist architectural design approach which the design guide does not lend itself to.

The facing materials proposed comprise brick, render and timber cladding. The existing property features white render and stone details, while many surrounding buildings feature brickwork. It is therefore considered that these materials are wholly appropriate in consideration of the dwelling's setting. The use of timber cladding is deemed to add contrast, while according adequately with the style of the rebuilt dwelling. It is therefore considered that the proposed materials are appropriate in this instance. However, the imposition of a condition requiring the submission of sample external facing materials to be submitted for approval is considered appropriate and reasonable to ensure that the final finishes are of suitable appearance and quality.

It is also noted that planning permission was granted for similar remodelling works in 2017 under application ref: W/17/0627 which is a material planning consideration.

Overall, it is considered that the proposal will modernise and re-work the property, incorporating the use of materials that will add contrast and visual interest to it's existing appearance. It is considered that the proposed development will not appear as an incongruous feature within the street scene, due to the existing mix of size, style and designs of houses with varying materials within this location. Officers therefore take the view that the application is in accordance with Policy BE1.

Parking

The development proposes the creation of one additional bedroom, increasing the total for the household to four. The Warwick District Parking Standards SPD sets out that dwellings with four or more bedrooms should include provision for three off-street spaces, an increase of one space over that currently required at the site. It is considered that the generous off-street parking area to the front of the property is more than capable of accommodating this requirement.

Therefore, the proposal is considered to comply with Local Plan Policy TR3 and the associated SPD.

Ecology

The Ecologist at Warwickshire County Council has recommended that a pre-determinative bat survey is carried out. When out on site the condition of the dwelling's roof was reviewed and was found to be in good general condition, with no notable gaps or potential access points for bats observed. In addition, the roof of the property is well sealed as this currently forms habitable space including a bedroom. It is therefore considered that the imposition of an explanatory note in relation to the applicants' responsibility with regard to protection of the noted species is proportionate and appropriate in this case. The proposal is therefore viewed to suitably comply with Local Plan Policy NE2.

Conclusion

The scheme is considered acceptable, having regard to the character of the street scene, the existing built form, and the impact on the amenity of neighbouring properties. Officers are also satisfied that the scheme would not result in harm to protected species.

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 '001' and approved drawings '004' and '005', received on the 8th August 2019, and the 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 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.
