

A meeting of the above Committee will be held in the Town Hall, Royal Leamington Spa on Tuesday 20 June 2023, at 6.00pm and available for the public to watch via the Warwick District Council [YouTube channel](#).

Councillor A Boad (Chairman)
Councillor N Tangri (Vice Chairman)

Councillor L Cron
Councillor A Day
Councillor R Dickson
Councillor K Dray
Councillor B Gifford
Councillor M Luckhurst

Councillor R Margrave
Councillor R Noonan
Councillor J Sinnott
Councillor J P Sullivan
Councillor L Williams

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 disclosed during this item. However, the existence and nature of any interest that subsequently becomes apparent during the course of the meeting must be disclosed immediately. If the interest is not registered, Members must notify the Monitoring Officer of the interest within 28 days.

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

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

3. **Site Visits**

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

4. **Minutes**

To confirm a correction to the approved minutes of the Planning Committee meeting held on 25 April 2023. The minute number for the Appeals Report on the last page should be 163, not 144.

Part B – Planning Applications

To consider the following reports from the Head of Place, Arts and Economy:

- 5. **W/21/1165 – Land at the corner of Ramsey Road and St Mary’s Road, Royal Leamington Spa** (Pages 1 to 4)
Major Application
- 6. **W/22/1877 – Land at Warwickshire Police HQ, Woodcote Lane, Leek Wootton** (Pages 1 to 43)
Major Application
- 7. **W/23/0334 – 24 Albion Street, Kenilworth** (Pages 1 to 3)
- 8. **W/23/0346 – 7 Walnut Drive, Royal Leamington Spa** (Pages 1 to 3)
- 9. **W/23/0362 – 401 Birmingham Road, Budbrooke** (Pages 1 to 4)
- 10. **W/23/0381 – Town Hall, Parade, Royal Leamington Spa** (Pages 1 to 13)
- 11. **W/23/0382 LB – Town Hall, Parade, Royal Leamington Spa** (Pages 1 to 6)

Part C – Other matters

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

Please note:

- (a) the background papers relating to reports on planning applications are open to public inspection under Section 100D of the Local Government Act 1972 and consist of all written responses to consultations made by the Local Planning Authority in connection with the planning applications referred to in the reports, the County Structure Plan Local Plans and Warwick District Council approved policy documents.
- (b) all items have a designated Case Officer and any queries concerning those items should be directed to that Officer.
- (c) in accordance with the Council’s Public Speaking Procedure, members of the public can address the Planning Committee meeting by attending the meeting in person on any of the planning applications or Tree Preservation Order reports being put before the Committee. If you wish to do so, please register online at [Speaking at Planning Committee](#) any time after the publication of this agenda, but **before 10.00am** 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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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

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Planning Committee: 20 June 2023

Item Number: 5

Application No: [W/21/1165](#)

Town/Parish Council: Leamington Spa

Case Officer: Dan Charles

01926 456527 dan.charles@warwickdc.gov.uk

Registration Date: N/A

Expiry Date: N/A

**Land at the corner of Ramsey Road and St Mary's Road, Leamington Spa,
CV31 1PP**

Demolition of existing industrial units, erection of 15no. dwellings (Use Class C3)
together with associated vehicular access, parking, and landscaping
FOR Deeley Homes

This application is being returned to Planning Committee due to a change in circumstances relating to the Section 106 Agreement following the submission of a Viability Assessment.

RECOMMENDATION

Planning Committee is recommended to approve the changes to the Section 106 Agreement as set out in the report.

DETAILS OF THE DEVELOPMENT

The proposal is for the demolition of the existing commercial premises and replacement with a residential development of 15no. units comprising:

- 4 x 1-bedroom maisonettes.
- 6 x 2-bedroom two storey houses.
- 5 x 3-bedroom two storey houses.

Of the 15 units proposed, 40% (6 units) are to be provided as affordable housing.

The proposal also includes the provision of access, parking, and hard and soft landscaping together with appropriate drainage across the site.

THE SITE AND ITS LOCATION

The development is well advanced with the housing still under construction.

The application site comprises an area of approximately 0.28 hectares of land to the north of St Mary's Road and is flanked by Ramsey Road to the East.

The site previously contained a range of commercial buildings and hardstanding areas with limited planting. The highway verge to St Mary's Road is laid to grass with 2 mature highway trees located within the verge. On the Ramsey Road side, there are some smaller street trees set within existing hardstanding areas.

The site flanked by housing to the north, east and west with a mix of houses and flats in close proximity to the site. The boundaries are formed by a combination of walls and security fencing.

To the south of the site, the area is more industrial/ commercial in character with a range of businesses operating from a mixed range of buildings.

The site is currently accessed directly off Ramsey Road from existing dropped kerbs serving the buildings. Pedestrian access is also available directly to the buildings from St Mary's Road.

PLANNING HISTORY

W/21/1165 - Demolition of existing industrial units, erection of 15no. dwellings (Use Class C3) together with associated vehicular access, parking, and landscaping – Granted 26/05/2022.

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- DS5 - Presumption in Favour of Sustainable Development
- PC0 - Prosperous Communities
- TCP1 - Protecting and Enhancing the Town Centres
- H0 - Housing
- H1 - Directing New Housing
- H2 - Affordable Housing
- H4 - Securing a Mix of Housing
- SC0 - Sustainable Communities
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR2 - Traffic generation (Warwick Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HE1 - Protection of Statutory Heritage Assets
- HS1 - Healthy, Safe and Inclusive Communities
- HS4 - Improvements to Open Space, Sport and Recreation Facilities
- HS7 - Crime Prevention
- CC1 - Planning for Climate Change Adaptation
- CC3 - Buildings Standards Requirements
- FW1 - Development in Areas at Risk of Flooding
- FW2 - Sustainable Urban Drainage
- FW3 - Water Conservation
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources
- DM1 - Infrastructure Contributions
- Guidance Documents
- Parking Standards (Supplementary Planning Document)
- Open Space (Supplementary Planning Document - April 2019)

- Air Quality & Planning Supplementary Planning Document (January 2019)
- Residential Design Guide (Supplementary Planning Document- May 2018)

ASSESSMENT

The application was presented to Planning Committee on 12 October 2021 where a resolution to grant was made, subject to conditions and the signing of a Section 106 Agreement to secure the following:

- Sustainable Travel Packs - £150.
- Road Safety Contribution - £750.
- Outdoor Sport - £1,059
- Indoor Sport - £11,787
- Grass Pitches - £16,530
- Open Space Improvement - £73,656
- County Council Monitoring Fee - £250
- District Council Monitoring Fee - £1585.60

In addition, the following requirements were also set out within the S.106 Agreement;

- 40% Affordable Housing (6 units)
- Local Labour Agreement.

Following this resolution to grant, the Section 106 agreement was prepared and agreed leading to the planning permission being issued on 26 May 2022.

Following the discharge of conditions, works commenced on site.

Following initial site mobilisation and enabling works, previously unidentified contamination was found to be present at the site, in addition to that identified during the application stage. The applicants have advised that the cost of remediating this unexpected contamination exceeded £100,000 and that this unexpected cost has significantly impacted the viability of the current scheme.

In addition to the increased costs as set out above, the applicants have also advised that there has been a recent reduction in the affordable housing values, which would render the approved scheme unviable. It is therefore proposed that in order to retain viability of the scheme, all of the financial contribution requirements are removed from the s.106 agreement and that Plots 8 and 9 are converted into market sale properties thereby reducing the overall provision of affordable housing from 6 units to 4 units which reduces the provision from 40% to 27%.

In support of the above, the applicants have submitted a Viability Assessment carried out by a well-respected specialist company to demonstrate that the scheme is not viable if subjected to the previously agreed affordable housing requirements and associated financial contributions as set out within the original Section 106 Agreement.

In such cases where a Viability Assessment is submitted, the details are assessed independently by a specialist Viability Assessor instructed by the Council.

The independent assessor has considered the appraisal and carried out a thorough and detailed assessment of all information submitted and has also met with the applicant's consultant to further scrutinise the information submitted.

In making the assessment, the assessor has challenged and tested all figures submitted by the applicant as well as carrying out his own independent assessment of the figures and market environment and has concluded that the Viability Assessment submitted is accurate and robust and has agreed with the conclusion as set out within the report.

The Section 106 also included a requirement for a Local Labour Agreement, and this has been satisfactorily discharged. The wording of this clause would therefore be updated for the development to continue in accordance with that agreement.

Conclusion

The application site has permission for 15 houses of which 6 were proposed to be affordable. Whilst a modest number of units, the site is considered to make a small but ultimately positive contribution to the Council's housing numbers.

Following the implementation of the scheme, the applicants encountered adverse ground conditions on site that have resulted in significant adverse costs being incurred above and beyond those budgeted for in the original application.

The applicants have therefore submitted a detailed Viability Assessment which demonstrates that the scheme would still be viable and deliverable, subject to a reduced number of affordable units and no financial contributions.

The viability of the scheme has been independently assessed by a specialist consultant and the scheme has been considered to not be viable if subject to the existing s.106 contributions and provision of 6 affordable houses. The omission of the financial contributions and the reduction of affordable units from 6 to 4 units is therefore agreed.

Members are therefore requested to approve the revisions to the Section 106 Agreement to be secured through a Deed of Variation to the original agreement.

Members are also requested to delegate authority to officers to agree the final wording of the Deed of Variation, subject to their being no material changes to those set out within this report.

Planning Committee: 20 June 2023

Item Number: 6

Application No: [W 22 / 1877](#)

Town/Parish Council: Leek Wootton

Case Officer: Dan Charles

01926 456527 dan.charles@warwickdc.gov.uk

Registration Date: 28/11/22

Expiry Date: 27/02/23

**Land at Warwickshire Police HQ, Woodcote Lane, Leek Wootton CV35
7QA**

Application for Outline Planning Permission for up to 83no. dwellings (including affordable housing), access, internal roads and footpaths, car parking, public open space, landscaping, drainage and other associated works and infrastructure (all matters reserved except for the vehicular access to the site). FOR Cala Homes (Cotswolds) Ltd

This application is being referred to Planning Committee due to an appeal Against the non-determination of the application within the statutory 13-week period being lodged with the Planning Inspectorate.

In this case, Members are not being asked to determine the application as this is now in the hands of the Planning Inspectorate. The proposal in front of Members is for consideration of the decision that would likely have been made by the LPA if it had been in a position to formally determine the application.

The decision made by Planning Committee will thereafter guide the submissions on the appeal and will form the basis of the Council's case at the Public Inquiry scheduled for July 2023.

RECOMMENDATION

As this report relates to a non-determination appeal, the recommendation is multi-faceted. Planning Committee is asked to resolve as follows:

1. Should the applicants satisfactorily overcome all of the outstanding issues as set out within the body of this report by the date for submission of the Council's Statement of Case, that no objection be made to the granting of permission, subject to conditions and the signing of a Section 106 Agreement to secure the financial and other obligations, as set out within this report.
2. Should the applicants not satisfactorily overcome any or all of the outstanding issues as set out within the body of this report by the date for submission of the Council's Statement of Case, to object to defend the appeal for the reasons set out in this report.

DETAILS OF THE DEVELOPMENT

This is an outline application with all matters reserved except for access for the erection of up to 83 dwellings together with all ancillary works. The site is in two parts: the main area of land known as The Paddock together with a smaller parcel of land known as The Old Tennis Court.

Access into the development is proposed from a primary access from Woodcote Lane together with secondary accesses serving part of the site accessed from Woodcote Drive.

The overall site area is 3.8 hectares.

THE SITE AND ITS LOCATION

The main element of the site (the Paddock) is roughly triangular in shape. The area is formed of open grassland that previously formed part of the Warwickshire Police Headquarters. The site is bounded by mature hedgerows to all boundaries interspersed with a significant number of tree species. Further trees are located across the site.

Within the main “triangle” lies a substantial dwelling known as Broome House which sits on square plot to the southern edge of the land. In addition to this dwelling, an additional property known as East Lodge lies on the eastern edge of the site.

The smaller element of the land (The Old Tennis Court) has been used as an overflow parking area and dog training area associated with the use of the land as the Police HQ. The land is bounded by hedgerows and mature trees with an existing access from Woodcote Drive. The land is set to hardstanding and open grassland.

The site is not within the Green Belt and is not within a Conservation Area.

PLANNING HISTORY

W/22/0465: Erection of 83 dwellings (including affordable housing), access, internal roads and footpaths, car parking, public open space, landscaping, drainage and other associated works and infrastructure – PENDING CONSIDERATION.

RELEVANT POLICIES

- National Planning Policy Framework
- Leek Wootton and Guy's Cliffe Neighbourhood Plan (2018-2029)
- LW1 - Protecting and enhancing local landscape character.
- LW2 - Protecting and enhancing local wildlife.
- LW3 - Protecting and enhancing built heritage.
- LW4 - Design guidelines for Historic site of Woodcote
- LW5 - Former Police Headquarters Woodcote (115)
- LW8 - Housing in Hill Wootton
- LW10 - Minimising the impacts of Traffic from New Developments

- LW11 - Traffic Management and Transport Improvements
- LW12 - New Communications Technologies
- Warwick District Local Plan 2011-2029
- DS1 - Supporting Prosperity
- DS2 - Providing the Homes the District Needs
- DS5 - Presumption in Favour of Sustainable Development
- DS6 - Level of Housing Growth
- DS7 - Meeting the Housing Requirement
- DS10 - Broad Location of Allocated Sites for Housing
- DS11 - Allocated Housing Sites
- DS22 - Former Police HQ, Leek Wootton
- PC0 - Prosperous Communities
- H0 - Housing
- H1 - Directing New Housing
- H2 - Affordable Housing
- H4 - Securing a Mix of Housing
- H10 - Bringing forward Allocated Sites in the Growth Villages
- SC0 - Sustainable Communities
- BE1 - Layout and Design
- BE2 - Developing Strategic Housing Sites
- BE3 - Amenity
- TR1 - Access and Choice
- TR2 - Traffic generation
- TR3 - Parking
- HS1 - Healthy, Safe and Inclusive Communities
- HS6 - Creating Healthy Communities
- HS7 - Crime Prevention
- CC1 - Planning for Climate Change Adaptation
- CC2 - Planning for Renewable Energy and Low Carbon Generation
- CC3 - Buildings Standards Requirements
- FW1 - Development in Areas at Risk of Flooding
- FW2 - Sustainable Urban Drainage
- FW3 - Water Conservation
- FW4 - Water Supply
- HE1 - Protection of Statutory Heritage Assets
- HE4 - Archaeology
- NE1 - Green Infrastructure
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources
- DM1 - Infrastructure Contributions
- Guidance Documents
- Parking Standards (Supplementary Planning Document- June 2018)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Affordable Housing (Supplementary Planning Document - June 2020)
- Developer Contributions (Supplementary Planning Document - July 2020)
- Open Space (Supplementary Planning Document - April 2019)

SUMMARY OF REPRESENTATIONS

Leek Wootton and Guys Cliffe Parish Council: Object, for the following reasons:

- Over-development of the site compared to the development proposed by Warwickshire Police and its draft masterplan and contrary to the objectives and adopted policies with the Neighbourhood Development Plan (NDP) and Warwick Local Plan.
- Number of properties for the site does not recognise, develop or complement the character of the site as required by Policy DS22 and Policies LW1, LW3, LW4 and LW5 of the NDP. Support comments from WCC Landscape that development on the edge of the village should be lower density.
- Rather than provide a small play area within the open space, it would aid integration of development into the community by supporting improvements in village as set out in Policy LW9 of the NDP.
- No information provided on the balance of the site not forming part of the application as required by Policy DS22.
- Cala Homes does not control the woodland area edged in blue. This is noted in the documents as providing for environmental improvements, offset and public open space. Lack of control of this land means that these objectives cannot be realised, contrary to Policies LW1 and LW2 of the NDP.
- Proposal seeks to remove significant numbers of trees and hedgerows which will alter the character of the site and approach to Leek Wootton Conservation Area. This is contrary to NDP Policies LW1 and LW2 and Local Plan Policy NE4.
- Overdevelopment of the site results in compact development with no opportunities for additional planting to soften the impact of the site.
- Do not consider that the Ecology reports submitted are acceptable.
- Support Natural England's comment that site is one of heritage, woodland and paddock and hence requires overriding reasons to develop in accordance with the NPPF.
- Few services within village that residents can walk to so will be reliant on car.
- No proposals to balance the needs of residents to park on Woodcote Lane.
- Transport Modelling Assessment is incorrect and unclear about how police traffic is taken into consideration.
- Visibility at Anchor junction between Woodcote Lane and Warwick Road is substandard and development will increase the level of traffic through the junction.
- Modal shift targets in travel plan are unrealistic.
- For the above highway reasons, application fails to comply with Policy LW10 of the NDP.

The Parish Council's comments have been supported by reports from a Planning Consultant, Transport Consultant and Ecology Consultant.

WDC Waste Management: No objection. Development will be served by 123+ Waste Collection system and will need to store 3 wheeling bins and food caddy at

each property. Access roads will need to be built to withstand the laden weight of collection vehicles and have sufficient turning space.

WDC Arboricultural Officer: No objection. The comprehensive Tree Survey Report and Arboricultural Impact Assessment from RPS, reference JSL4106_770 and dated 9 March 2022, provides a good analysis of the tree stock, as well as a detailed Arboricultural Method Statement and Tree Protection Plan overlaid upon the then current site layout. Should that layout change then there may be a need to change the tree protection measures that have been recommended.

WDC Conservation Officer: Comment that the proposal conflicts with Policy DS22 of the Local Plan which seeks to ensure that proposals protect and enhance the historic assets and their setting and secure the sustainable long-term future of Woodcote House as a Grade 2 listed building. The proposal is therefore contrary to this policy as no works are proposed to Woodcote House as part of the scheme. Whilst I appreciate that the latest submission is an Outline application, I am unable to support this proposal without having further indicative information. In terms of the proposed layout, I share the concerns raised by the Landscape Officer. There still appears to be a condensed arrangement of dwellings, contrary to the site's semi-rural setting at the edge of Leek Wootton.

WDC Environmental Protection Officer: No objection subject to Air Quality Mitigation Condition, Travel Plan implementation condition, Construction Management Plan Condition and contaminated land conditions.

WDC Green Space Officer: Given that this is an Outline application, it is likely that the exact schedule of accommodation, will be determined through Reserved Matters applications. However, it is important for the applicant to factor into their scheme the requirement for public open space provision as required by Local Plan Policy HS4 and its associated Public Open Space SPD. The preference is that all open space is provided on-site. It should be noted that where it is demonstrated that it is impractical or inappropriate to provide the open space physically on site or if it is not feasible to provide the overall quantum required on site, then WDC may consider seeking a financial contribution from the developer as a means of providing improvements to existing sites. The applicant has suggested in their submission that this may be an option that they would like to discuss further, which the Green Spaces Team will discuss at the appropriate Reserved Matters stage.

WCC Archaeology: In first submission, recommended scheme of trial trenching. A Written Scheme of Investigation for trial trenching has been submitted to survey the site and satisfied that this will provide suitable assessment of the site.

WCC Ecology: Holding Objection - Majority of information is acceptable and can be controlled by conditions. Require more information relating to Bats and Trees, Badgers, Nesting Birds, SUDs and Biodiversity Offsetting.

WCC Flood Risk Management: Holding Objection – Details of surface water drainage are insufficient. Require additional information.

WCC Highways Authority: Following a request for additional information on the full application, this has now been received and reviewed. Assessment of proposal concluded that Warwick Road/ Woodcote Lane would operate very close to capacity as a result of the development. As it is within capacity, an objection on severe residual cumulative impacts in line with Para 111 of the NPPF could not be sustained. Concern has been raised by the Safety Engineers that the safe operation of the junction could be compromised by being near capacity. The safety engineer has requested that additional safety measures be explored at this junction. Currently therefore the proposal is contrary to paragraph 110 (b) of the NPPF in that safe and suitable access to the site for all users has not been satisfactorily demonstrated. The submitted Transport Assessment contains a Pedestrian Route Audit which assesses the existing pedestrian facilities serving the development site. The Audit highlights that the existing routes are substandard in places and suggests appropriate improvements where necessary. The Highway Authority is however concerned that no details of these improvements appear to have been submitted for assessment therefore this also remains contrary to paragraph 110(b) above and also paragraph 112 (a), (b) and (c) in that priority is not given to pedestrians and cyclists, the needs of people with disabilities have not been addressed and a safe, secure and attractive development proposal has not been created.

WCC Landscape: The Illustrative Layout submitted with this application suggests some revisions to the proposed layout of the previous application. Note layout will be dealt with as a reserved matter. Need to see updated tree details. Note that the density of the housing still appears too great in relation to its surroundings with houses crammed close together with less garden space than the existing areas of the village abutting it. Development sits on the edge of the village so the housing density should be lower, acting as a transition from the more built-up areas of the village to the grounds of Woodcote House and the wider countryside beyond. The proposed houses on the tennis court site do not relate well to the existing houses on Woodcote Drive, both in terms of layout and density.

WCC Rights of Way: No objection. Footpath W179a runs around boundary of site. Application for a Definitive Map Modification Order has been submitted to add a footpath to the Definitive Map. If successful, this will become a Right of Way which conflicts with the applicant's proposed SUDs pond. Consideration should be given to accommodating the route of the proposed path at this stage. Recommend conditions and notes.

Warwickshire Police Designing Out Crime Officer: No objection to the scheme. Pleased to see that developers have incorporated the principles of Secured by Design Homes 2019.

Warwickshire Fire and Rescue: No objection, subject to the imposition of a fire hydrant condition.

CPRE Warwickshire: Objects to this application. Although higher density housing is something to aim for in more urban areas, this should not be at the expense of vital biodiversity or in places which do not have the correct infrastructure to support this kind of development. Ultimately, the application does not propose

what is best for this piece of Warwickshire countryside and does not meet the Policy DS22 special requirements that allowed it to be removed from its original designation as Green Belt land.

Section 106 Requests

WDC Sport and Leisure: Request S106 Contribution totalling £168,956 (£5,956 for outdoor sport, £69,547 for indoor sport and £93,453 for grass pitches) to mitigate for increased use of facilities by additional residents of this development.

WCC Infrastructure Team: Make the following service area Section 106 Requests on behalf of Warwickshire County Council to mitigate for increased use of facilities by additional residents of this development.

- Libraries - £1,817.
- Road Safety - £4,150.
- Sustainable Travel Promotion - £830
- Monitoring - £500 + (5 hours x £40 Officer Time x Number of Triggers)

South Warwickshire NHS Foundation Trust: Request Section 106 Contribution of £74,487.02 to mitigate the impact on new housing on the delivery of healthcare services within the area.

Public Response: A total of 201 comments received as follows:

Support Comment – 1 comment received.

- Support, but no commentary provided.

General Comment – 1 comment received.

- Preferred the plans for the tennis court area from first scheme as they allowed housing to back onto the golf course and were not all crushed together.

Objection Comments – 199 comments received.

- No need for more housing as this is being addressed elsewhere in the district.
- Housing land supply is over 5 years.
- Insufficient infrastructure to support new housing.
- No meaningful facilities within village to serve the needs of the additional dwellings.
- No economic benefits.
- Lack of Community Engagement from applicant.
- No regard given to design and setting of Listed Building.
- Loss of privacy to Broome House and East Lodge.
- Increased noise and air pollution.
- Significant light pollution to residents of existing properties.
- Development not in keeping with the village and its Conservation Area.

- As police are not leaving Woodcote House, there is no need for this development, and it should revert to Green Belt.
- No Masterplan for the entire site as required by Policy DS22.
- Totally disregards the plan agreed years ago.
- Traffic data is flawed.
- New access point is dangerous to users of the road.
- Cannot take increased traffic from development. Junction with Warwick Road is already dangerous.
- Parking is already at breaking point.
- Loss of tennis court area will displace police parking.
- No regular bus service in Leek Wootton.
- Harm to Green Belt.
- Should have more allowance for open and leisure space.
- Will result in ecological damage.
- Ecology reports considered insufficient, skewed by methodology and benefits outlined in conclusion are entirely based on supposition and wishful thinking.
- Separate survey work carried out identifies significantly more species than identified in the submitted Ecology Reports.
- Recommend a thorough scientific survey is undertaken in consultation with Warwickshire Wildlife Trust.
- Site is covered by a blanket TPO to protect trees.
- Loss of many trees and hedgerows.
- Drainage provision will result in additional trees being lost.
- Felling trees and hedgerows reduces ability to absorb CO2.
- Impossible to replace mature trees.
- Will affect wildlife within the site.
- Will disrupt ecosystems and interlinks between habitats.
- Use of adjacent woodland to offset open space is not appropriate.
- Modern style of housing not appropriate for village.
- Will not be carbon neutral.
- Air Quality Mitigation proposal is poor and insufficient.
- Official recommendation was for 30 dwellings per hectare, but scheme is 36.
- Lack of community engagement through process.
- Density of housing is too high and not in keeping with village.
- Contrary to Neighbourhood Plan, Local Plan and NPPF.
- Impact to neighbouring amenity by reason of loss of privacy.
- The Cala layout differs to the boundary layout shown on neighbouring property deeds.
- There is a lack of parking places for the proposed development and insufficient visitor parking.
- Concern regarding the impacts of both construction and the development itself on drainage systems, in particular sewage system at the site.
- Woodcote Drive is narrow with no footpath and traffic is already bad leading to concerns about the development and its construction.
- Development will lead to the destruction of a diverse range of wildlife.
- The destruction of green spaces should be reconsidered in light of the current climate crisis.

- The impacts cannot be fully considered when only an outline application is proposed with all matters reserved.
- With so much recent development one thing that has remained constant is the village of Leek Wootton, which has remained a village; the proposal would amount to overdevelopment of the village which has no major infrastructure and facilities.
- Footpaths are already constrained, and the development will lead to additional traffic, the dangers of which outweigh any positive characteristics associated with walking to school.
- Concern the school cannot accommodate increased pupil numbers.
- The house and parkland are indivisible and while the police remain on site there is no longer any need for housing.
- The proposals substantially harm the long-term use and conservation of the Grade II listed Woodcote House.
- This would set a dangerous precedent if loss of open space is accepted.
- Concerns regarding the long-term management of the woodland.
- Submitted plans are inaccurate, e.g., the full extent of tree/hedge removal is not shown.
- There are other preferred locations considered more suitable for housing.
- The loss of the tennis courts 50 parking spaces will necessitate the need for the PCC to apply for additional hardstanding.
- Villagers feel as though local democracy has been violated.
- There is no open area for children to play on.

Leek Wootton Focus Group

- Contrary to Policy DS22 as no Masterplan for whole site agreed.
- Proposal does not protect or enhance the historic assets or their setting which is contrary to Policy DS22(a). Applicant also accepts this harm.
- Proposal does not make provision for future management/maintenance of the balance of the site which is contrary to Policy DS22(g).
- Applicant has not entered into agreement or agreed mechanism with the Council to provide certainty that both the new build (greenfield) housing elements of the allocation and Woodcote House conversion and restoration of its setting are delivered simultaneously or within an agreed timescale, contrary to Policy DS22(h).
- In the absence of the benefits from the restoration of the heritage asset, the harm is not outweighed, and planning permission should be refused.
- Benefits of 50 market houses and 33 affordable homes is not significant and economic benefits are also limited. Citing public open space provision and biodiversity enhancements is not a benefit as they are a requirement of the planning permission.
- No material considerations outweigh the harm so planning permission should be refused.
- WDC has a 5.08-year housing land supply so this site is not critical for the delivery of housing.
- No evidence that sale proceeds have been used or earmarked for restoration of Woodcote House and have been advised that funds have been used for new IT equipment.

- Many enhancement opportunities have been lost due to police remaining such as removal of insensitive 60's extension to main building, removal of unsympathetic extensions to former stables range and replacement of parking within formal kitchen garden and appropriate renovation works.
- Contrary to Neighbourhood Plan with regards to layout and density.
- Not developing Plots 1 and 2 would retain important wildlife corridor between woodlands.
- Loss of brownfield land to Plot 4 for housing, landscaping and leisure pursuits.
- Unacceptable impact on highway safety, the residual cumulative impact on the road network will be severe.
- Will create light pollution onto an intrinsically dark landscape and affect the natural wildlife habitat.
- Cala Homes have failed to engage with the community.
- Cala Homes have failed to protect and enhance the valued landscapes and biodiversity of the site which will not be mitigated elsewhere.
- Development will result in the loss or deterioration of irreplaceable habitats (such as veteran trees) and to date, LWFG notes that 71 trees and 10 hedgerows will be lost as a result of the development with no exceptional reasons offered.
- Development would remove 1/3 of the historic open landscape and would cause harm to heritage asset.
- LWFG have carried out their own tree survey and wholly disagree with the findings in the submitted tree surveys.
- Actual loss of trees is much higher than stated in submitted reports.
- Off-site enhancement of the woodland area outside application site boundary so not considered to be on-site.
- No evidence in place which demonstrates how woodland will be managed.
- Tree/Hedgerow removal has been based around the layout rather than viewed as a constraint when designing the layout.
- LWFG have sought expertise from community and an ecology report has been produced that finds the submitted survey work by Cala Homes to be incomplete compared to the findings.
- Ecology results are skewed by methodology and habitats identified are based on supposition and wishful thinking.
- LWFG report identifies significantly more species than submitted reports including a barn owl nesting in one of the trees which is absent from Cala Homes' reports.
- Views within the submitted LVIA are different to those within the Neighbourhood Plan.
- Harm to heritage asset is contrary to Local Plan and national guidance on protection of heritage assets.
- Justification for removal of site from the Green Belt no longer applies.
- Density of housing is of great concern together with lack of visitor parking spaces.
- Will result in the loss of parking for vehicles associated with the Police site.
- Little thought given to future maintenance of trees.
- Open Space areas inadequate and purely a tick box exercise.

ASSESSMENT

Principle of Development

The application site falls within the settlement boundary of Leek Wootton which is identified within the Local Plan as a growth village. Within the boundary of a growth village, housing development is generally acceptable in accordance with Local Plan Policies H1 and H10.

In addition, the site also falls under allocation DS22 which is a specific allocation for the Warwickshire Police Headquarters. The application site forms part of the wider allocation identified under DS22.

The housing allocation was deemed appropriate and included in the Local Plan as it provided development in this Growth Village at the least obtrusive location available at Leek Wootton. Other, more environmentally unacceptable options for development were considered and discounted in favour of this allocation. This allocation also served to secure the future of Woodcote House (a Listed Building) for residential use as the Police Force were intending to vacate the building as part of their proposed merger with West Mercia Police.

The overriding aim of Policy DS22 was to ensure the comprehensive development of the entirety of the allocation. Policy DS22 introduced eight specific policy criteria that development proposals would need to address to secure planning permission.

In 2019 it was announced that the merger of the two Police forces was not to continue, and that Warwickshire Police would be returning to utilise the entirety of Woodcote House as their headquarters building.

This had ramifications for Policy DS22. Woodcote House would not be converted to residential use and for operational purposes, and land that would have been made available for the new residents and the enjoyment of the wider community of Leek Wootton would not be available as additional open space.

Due to the retention of part of the site by Warwickshire Police, it was apparent that the range of requirements set out in policy DS22 could not be all be realised following the decision of the Police to remain at Woodcote House.

In considering this change in circumstances, a Legal opinion was sought on the proposal. The opinion stated that it is not at all unusual for development plan policies to be superseded by events after the adoption of such policies. It went on to stipulate that the change in circumstances at this location did NOT mean that planning applications to develop the site which do not wholly comply with Policy DS22 should automatically be refused and that there is no obligation on Local Planning Authorities to "slavishly adhere" to the development plan if material considerations indicate that the departure from those policies is considered, on balance, to be acceptable.

The change in circumstances brought about by the failed police merger and the inability of the whole site to come forward for comprehensive development are

viewed as material considerations in determining the application. Considering the need for some residential development to be realised to assist in meeting the overall numbers of dwellings identified in the Development Plan and the five-year supply position, it is Officers' opinion that the application should be adjudged positively, provided that the form and details of the proposed layout and the other items referenced earlier in this document are deemed acceptable.

A further, specific point of clarification from a general policy perspective relates to the question of the overall numbers of dwellings proposed. The Local Plan specified 115 dwellings as a guide to what the total allocation could deliver. It should be noted that these indicative, overall numbers are derived to give some order of what should be acceptable. They are not derived with the benefit of reference to exact planning layouts and being able to gauge the exact amount of land available for houses after deductions for such things as open space, play areas, roads, landscaping etc.

There have been many instances since the Local Plan was adopted where planning applications have been approved on allocations with housing numbers at levels above the guidance numbers set out in the Local Plan. These have been approved only where all other policy considerations such as open space, play areas and the like have been satisfactorily incorporated into the development and the final housing numbers can still be achieved without prejudicing a good quality, functional development.

It should also be noted that one of the requirements of DS22 was the submission, and approval of a masterplan. The draft masterplan submitted to the Local Plan Examination in Public was a very detailed document that referenced possible layout scenarios and the distribution of the associated component parts of the allocation across the entirety of the site. The intervening 'change in circumstances' brought about by the decision not to merge the police forces has meant that some of the aspects set out in that initial draft masterplan will not be attainable. Whilst it is natural that this is a disappointment to residents in the locality, I believe the revised masterplans submitted with the current CALA planning applications are appropriate for the purposes of identifying the revised situation and relationship of various parts of the allocation.

In summary, the principle of residential development at this location has been established through the Local Plan process. Circumstances have changed that have meant that it is now impossible to rigidly adhere to all the exact criteria-based issues that were set out in Local Plan Policy DS22 and realise the full package of potential benefits across the allocation detailed in the draft masterplan at the time of the Local Plan Examination in Public. However, one of the key aims of Policy DS22 was to maintain and secure the future of the Heritage Asset on the site to ensure that it did not fall into a state of disrepair by actively ensuring that it formed part of the wider redevelopment of the site. With Warwickshire Police now maintaining ownership of the Heritage Asset, this will ensure the practical stewardship and ongoing maintenance and use of the building.

In considering the 'planning balance' and the benefits of helping to assist the Local Plan's overall housing numbers and five-year supply situation, it is deemed

appropriate to support the proposals and the development of this site from a policy perspective.

Subject to an assessment of site-specific matters, the proposal is considered acceptable in principle.

Assessment of the Proposed Housing Numbers

The scheme seeks outline permission for up to 83 dwellings. Based on the submitted parameters plan of the developable area identified across the two sites, this equates to approximately 35 dwellings per hectare.

Concerns over the density of the development have been raised by consultees. As the scheme is in outline form, there are no finalised plans which are being assessed beyond a parameters plan and an illustrative layout. The illustrative layout sets out the scheme with 83 dwellings identified. This layout shows that adequate space is provided for the plots in terms of garden sizes and parking. Areas of open space are also identified within the site for future occupiers.

It is noted that the level of housing is identified as up to 83 units. Officers would assess any proposal submitted for reserved matters when final details of housing mix, layout and design are submitted and, in such case, if it cannot be demonstrated that the scheme meets all of the required standards then it would be appropriate to revisit the housing numbers to ensure that a scheme on the site would be acceptable. In identifying "up to" 83 dwellings, there is a certain level of flexibility retained by the Local Planning Authority and the application in assessing a subsequent reserved matters proposal and ensuring that the housing numbers proposed can be satisfactorily delivered on the site.

Design and impact on visual amenity and the character of surrounding area

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

Policy BE1 of the Local Plan reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area.

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

As this proposal is an outline planning application, no detailed plans have been submitted at this stage and the final detail would be assessed through a future reserved matters submission. The reserved matters submission would deal with the final detail of the layout, house types, detailed landscaping and location of features such as open space, roads, paths etc.

The application has included an indicative layout and parameters plan to demonstrate how the site could be laid out with the provision of up to 83 dwellings.

The indicative site layout sets out the potential location of the dwellings on the site, together with roads and open space areas, including SUDS. The proposal indicates that the landscaping features will be retained along the Woodcote Lane boundary to retain the green edge to the development that currently exists.

A number of trees are proposed to be removed as set out within the Arboricultural Method Statement and their removal has been justified. Where trees are to be removed, Officers would always expect these to be replaced with new planting to mitigate for the loss. This would be secured by condition.

The proposed access point to the Paddock site is located in a position where there is a natural gap in the hedgerow already which minimises the amount of roadside hedge removal required to facilitate access.

As this is an outline application with all matters reserved apart from access, the final design and appearance of the scheme is not for assessment at this stage. Officers consider it appropriate to incorporate a condition for a design code that sets out the design rationale behind any scheme submitted for reserved matters to demonstrate how the scheme has been designed to reflect and respect the character and appearance of the local and surrounding area.

Subject to the imposition of conditions to secure appropriate design criteria, Officers consider that the proposal is acceptable.

Impact on the character and setting of Heritage Assets

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty to have special regard to the desirability of preserving a listed building or its setting when considering whether to grant a planning permission which affects a listed building or its setting.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Warwick District Local Plan Policy HE1 (protection of statutory heritage assets) states that permission will not be granted to alter or extend a listed building where

those works will adversely affect its special architectural or historic interest, integrity, or setting. In addition, the policy states that development will be expected to respect the setting of conservation areas and important views both in and out of them.

The nearest Listed Building to the site is Woodcote House that lies to the west of the application site. This building forms the primary element of the wider police site and was one of the driving factors of the DS22 allocation.

The Conservation Officer has considered the proposal and notes that the scheme is not compliant with DS22 as the scheme does not incorporate a masterplan for the protection of Woodcote House. The key element of DS22 was to secure the future of this heritage asset by ensuring that it formed an integral part of a masterplan and was actively incorporated into any redevelopment of the whole site.

As the circumstances around this development have now changed and the Police are retaining the building for their purposes, the long-term stewardship of the listed building is secured. On this basis, the Conservation Officer has raised no objection to the principle of development on this land but has raised some concern over the potential heights of buildings, design and materials that could potentially affect the setting of the Heritage Assets as identified on the full application being considered under application W/22/0465.

As the current application is in outline form, the overall building heights are not included within the scheme and would be subject to later approval. The Conservation Officer also raised concern regarding the density of the development and further information would need to be submitted before the scheme could be supported.

The indicative layout identifies that along the boundary of the site with the retained police land that the scheme is for larger detached units that naturally are more widely spaced and therefore typically less dense than semi-detached or terraced units. This reduces the overall built form to the boundary with the land associated with the Heritage Asset of Woodcote House. In addition, any reserved matters submission would also require detailed landscaping to be submitted which would allow for further mitigation by providing an appropriate treatment of the boundary to soften the development from the land retained by Warwickshire Police.

As the proposal is in outline form, these parameters are not yet set out. As stated within the section above, Officers consider it appropriate to secure a design code by condition that sets out the parameters of any development coming forward. This would be requested prior to the submission of any reserved matters so that it can inform any future layout and design submitted.

The design and appearance would thereafter be informed by an approved design code that would set the parameters for height and scale and this would be agreed in consultation with the Conservation Officer to address the concerns identified at this outline stage.

Subject to the inclusion of the above condition together with further conditions relating to the submission of architectural detailing and details of proposed materials etc, Officers are satisfied that the scheme would not result in harm to the setting of the Heritage Assets.

Impact on Residential Amenity

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

Impact on existing properties

The development is submitted in outline form only. The application has been submitted with an indicative layout plan that provides some idea of a potential development layout of the site. Whilst this has been used as a guide to consider the impact on existing residents, it is noted that this plan does not form the final layout of the scheme.

The main paddock element of the site is on a parcel of land where it is set away from the existing dwellings by the existing road network. This leads to significant separation distances, well in excess of the required standards, and also has intervening landscape features such as trees and hedgerows that further mitigates any potential harm to the amenity of existing properties.

There are two dwellings located immediately adjacent to the boundaries of the Paddock area of the site: Broome House and East Lodge.

Broome House is flanked on three sides by the development site. The proposal would seek to retain the existing boundary features to the property to maintain an appropriate level landscaping to afford natural separation between the existing property and the proposed development site. The indicative layout identifies that housing would back onto the site on the three shared boundaries and be separated from the boundary of the property by the back garden areas.

Whilst the dwelling would lose the open aspect from these boundaries, it is noted that the proposed dwellings backing onto the existing property would lead to larger separation distances between the existing house and the proposed dwellings. As previously stated, the layout identified is not the final design of the scheme and the final relationship between properties would be assessed through a detailed reserved matters submission.

East Lodge is located adjacent to the eastern tip of the application site near to the junction of Woodcote Lane and Woodcote Drive. In terms of impact on this property, it is noted that the dwellinghouse is located a significant distance from the boundary with the application site and is separated by a large garden area. Due to the limitations of the shape of the site, it is unlikely that any proposed development within that area of the site would result in any demonstrable harm to the amenity of the occupiers of East Lodge.

Overall, whilst the indicative layout plan does not form the final layout of the scheme, it does satisfactorily demonstrate that appropriate separation distances can be provided between the development site and existing dwellings to provide an appropriate level of amenity for the occupiers of existing dwellings adjacent to the site and no impact as a result of the development would occur that would result in demonstrable harm to existing properties.

Provision of an appropriate living environment for future occupants of the proposed development

The development provides a high-quality environment which achieves the Council's design guidelines.

The indicative layout demonstrates that the site can deliver the number of dwellings together with open space and the landscaping across the development. Officers are satisfied that the indicative plan demonstrates that the scheme can create an overall sense of spaciousness which would enhance the sense of place and overall amenity value for future residents.

The scheme would be further assessed at reserved matters stage to ensure that the final layout of the scheme provides an appropriate living environment for future occupiers.

In conclusion, the landscaping and public open space shown on indicative plans will assist in ensuring the new development provides an acceptable residential environment. Such details will be considered in greater detail at the reserved matters stage.

Officers are satisfied that the development is acceptable having regard to Policy BE3 of the Local Plan.

Open Space Provision

Given that this is an Outline application, it is likely that the exact schedule of accommodation, will be determined through Reserved Matters applications. However, it is important for the applicant to factor into their scheme the requirement for public open space provision as required by Local Policy HS4 and its associated Public Open Space SPD.

In relation to the adopted Public Open Space SPD (2019) the Council, would require five open space typologies to be provided onsite in the first instance. These five typologies should comprise, Amenity Green Space, Parks and Gardens, Natural Areas including Urban Woodland Allotments, Community Gardens and Urban Farm sand Children/Youth Areas.

The Green Space Officer has noted that where it is demonstrated that it is impractical or inappropriate to provide the open space physically onsite or if it is not feasible to provide the overall quantum required onsite, then they may consider seeking a financial contribution from the developer as a means of providing improvements to existing sites.

The applicant has suggested in their submission that this may be an option that they would like to discuss further, which the Green Space Officer would be happy to discuss at the appropriate Reserved Matters stage. In any forthcoming Reserved Matters application regarding Open Space, the applicant would be required to consult the Open Space SPD, which provides details on the design and features within the open space, and also includes specifications for street furniture such as bins, benches etc.

In addition, the Green Space Officer considers that this site should seek to complement the wider landscape setting, and that green infrastructure and interconnectivity between this site and the wider village is essential.

The final detail and quantum of Open Space would be considered through the Reserved Matters submission and the scheme and layout would be assessed for acceptability at that stage.

Highway Safety

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

As this is an outline application, the detail of the internal layout is not for consideration. The elements considered within this proposal are the main access points to the site and the wider impact on the local highway network.

The proposal has been assessed by Warwickshire County Highways and no objection has been raised to the proposed access points into the site.

Having considered the wider implications of the proposal, the Highways Authority has concluded that the Warwick Road/Woodcote Lane junction will operate very close to capacity during the final assessment year.

The Highways Officer advises that, although being close to capacity, the junction is still within capacity and therefore an objection under paragraph 111 of the revised NPPF (July 2021) that there is a severe residual cumulative impact on the road network cannot be sustained.

However, concern was raised by the Safety Engineer that the safe operation of the junction could be compromised by it being near capacity and has requested that the introduction of safety measures, such as traffic signals, be explored at the junction.

Currently therefore the proposal is contrary to paragraph 110 (b) of the NPPF in that safe and suitable access to the site for all users has not been satisfactorily demonstrated.

The submitted Transport Assessment contains a Pedestrian Route Audit which assesses the existing pedestrian facilities serving the development site. The Audit highlights that the existing routes are substandard in places and suggests appropriate improvements where necessary. The Highway Authority is however concerned that no details of these improvements appear to have been submitted for assessment therefore this also remains contrary to paragraph 110(b) above and also paragraph 112 (a), (b) and (c) in that priority is not given to pedestrians and cyclists, the needs of people with disabilities has not been addressed and a safe, secure and attractive development proposal has not been created.

In light of the above reasons, the Highways Authority has raised an objection to the scheme.

At the time of writing, Officers from the County Highways Authority have met with the applicant's Transport Consultant and have discussed a potential solution to potentially overcome the above objection.

Under normal circumstances, Officers would not submit an application to Committee where fundamental issues such as this are still outstanding. In this case, as the application relates to a non-determination appeal, Officers need to obtain a Committee recommendation to present the Council's case at the appeal and this recommendation needs to be considered at the June Committee meeting in order to meet the deadline set by the Planning Inspectorate for the submission of the Council's Statement of Case.

Taking into account the above, Officers recommend that Members recommend that should additional information be forthcoming to overcome the objection in advance of the appeal deadline, then no objection would be raised to the appeal on the basis of the impact on highway safety.

Should no additional information be forthcoming by the required deadline, Officers would recommend that Members support the current objection and agree it as a reason for refusal as part of the recommendation on the case and that this would form part of the Council's case at the planning appeal.

Impact on Ecology/Protected Species/Biodiversity

Ecology/Protected Species

Policy NE2 of the Warwick District Local Plan states that any development proposals that are likely to impact upon features of nature conservation value and scientific value of sites and their contribution to wider biodiversity objectives shall be subject to ecological assessment to consider the impact of the proposal and identify mitigation or compensatory measures.

In addition, Policy NE3 of the 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 application was submitted with a detailed Ecological Appraisal of the application site that assessed the application site. The submitted report has been assessed by the Warwickshire County Ecology Team who have made a detailed assessment of the proposal based upon the submitted information as well as their own records.

The Ecologist has recommended that in terms of priority and other notable habitats including the lunch and Cattle Brook Local Wildlife Site, the level of survey works carried out is sufficient and they recommend that the imposition of conditions to secure a detailed Construction and Environmental Management Plan (CEMP) that will provide further protection for these features during the construction phase of any development of the site to prevent any harm.

In terms of protected species, bat surveys of the site and existing trees to be removed have been carried out including activity surveys. The Ecologist is satisfied that the survey work carried out is sufficient to demonstrate that the development would not result in harm to bats. Due to the transient nature of bats, the Ecologist has recommended that further survey works are carried out immediately prior to any on-site activity that may have a harmful impact on bats is secured through an appropriately worded condition. This will ensure that any activity not picked up at the time of the survey can be adequately assessed and mitigated for.

The Ecologist notes that reptiles have not been recorded on site during the initial walkovers of the site or during the survey work carried out and agrees that potential exists on site due to suitable habitat in the form of tussocky grassland, hedgerows and tree-line links surrounding the site.

The Ecologist has recommended a precautionary approach on site is taken as the presence of reptiles cannot be completely ruled out as ideally, additional survey work should have been carried out. It is therefore recommended that appropriate measures are proposed that detail reasonable avoidance measures which can be undertaken pre-construction and during the construction works which will minimise and prevent harm to any common reptiles that might be present. These measures can be secured as part of the recommended CEMP condition.

The Ecologist advises that the habitat on site does provide some terrestrial opportunities for amphibians that are known to be in the surrounding area. Whilst specific Great Crested Newt surveys have not been carried out, the Ecologist agrees that the species would be a constraint to the proposed scheme. Notwithstanding this, it is clearly noted that potential does remain for amphibians to be on site and as a precautionary approach, measures should be included within the CEMP to safeguard these species during construction.

It is not clear if the proposed SUDs area is intended to be a permanently wet area or dry and as this is an outline application, the final detail is not yet determined. The Ecologist recommends that the SUDs area is maximized to provide opportunities for amphibians, in addition to a range of additional species, through it being a permanent waterbody.

In terms of amphibians in general, a range of amphibian friendly features are recommended to be installed on-site. The installation of amphibian-friendly measures could be easily implemented through the submission of a Landscape and Ecological Management Plan (LEMP) to be secured by condition.

The LEMP is also recommended to cover the enhancement of invertebrate features such as log piles and additional habitat enhancement.

Nesting Bird Surveys were carried out during April, May and June 2022 and a number of birds were noted at the time of the surveys.

The Ecologist has noted that there are some discrepancies within the submitted reports in terms of the number of species recorded and the accuracy of plotting on the associated plan. The Ecologist has sought clarification on this issue which is currently outstanding.

The Ecologist notes that generally, what is proposed at present is considered appropriate for the more common and widespread species and has stated that further comments may be made dependant on the outcome of the full species records and further detail on the proposed woodland enhancement when clarified by the applicants Ecologist.

The land, hedgerows, scrub and trees provide numerous opportunities to support birds. The habitat requirement for species such as Linnet, are dependent on weeds of open country and waste ground. The Ecologist considers that there is possibly scope within the areas to be retained to mitigate for this species. Any such proposals should be carefully considered and further detail in supplied in the associated LEMP.

In addition to the clarification of the survey results, the Ecologist has recommended that any unavoidable removal of trees/shrubs/scrub/hedgerow is carried out outside the bird nesting season and if this is unfeasible, they should be checked for nesting birds by a suitably qualified ecologist immediately prior to removal. This detail can be secured through the recommended CEMP and the LEMP.

In terms of the badger survey work carried out, the Ecologist has assessed the submitted information and has requested further information to be submitted to demonstrate that the proposal has adequately assessed the impact on badgers.

Overall, the Ecologist has requested some additional information relating to Bat, Trees, Badgers, Nesting birds and SUDs and has submitted a holding objection until this information is received and satisfactorily addressed.

Biodiversity

Planning policy changes promoted within the National Planning Policy Framework (NPPF) include the guiding principle that all developments should result in a biodiversity gain. The way to measure biodiversity impact is the Defra Biodiversity Offsetting metrics. Defra have recently published a new metric, however at present

the WCC metric is still accepted. The Warwickshire Biodiversity Impact Assessment (BIA) Calculator v19.1 has been utilised by the applicant's Ecologist, so this version has also been used by the County Ecologist for their assessment.

In the Biodiversity Net Gain Assessment Report submitted, it is acknowledged that at the time of completing the BIA a few assumptions were made with regards to the proposed planting. The County Ecologist has utilised the illustrated landscaping plan produced so far from the applicant, and it is noted that additional detail would be provided at the reserved matters stage through the detailed landscaping details, although it should not differ significantly unless positive habitat alterations are made to reduce the biodiversity impact score calculated at this stage.

In assessing the Biodiversity Impact the Ecologist has made some assumptions based on the descriptions within the submitted report.

The assessment carried out by the County Ecologist is based on all the information available at present and they have calculated a loss on site of 7.15 biodiversity units loss, which is a net biodiversity loss and contrary to the NPPF. This is in comparison to the survey work submitted by the applicant that calculated a 0.89 net gain for the site. There are a number of factors that result in these differences and the Ecologist recommends that the layout and the landscape plan is reviewed to see if biodiversity loss can be reduced within the remaining habitat on site.

The Ecologist considers that on the basis of the submitted, indicative layout the loss is unlikely to be reduced unless additional good quality habitat can be incorporated into the scheme. At this stage, without this information, the loss can only be calculated on the basis of the information that has been submitted. The associated indicative financial Biodiversity Offsetting contribution to address this loss is calculated at £233,190.00. As the development proposals result in a net loss to biodiversity, in line with the NPPF, a biodiversity offsetting scheme must be secured via a Section 106 agreement.

Following the securing of an obligation for the Section 106 Agreement, a revised BIA will then be required at the detailed design stage along with further details of on-site habitat creation, any enhancement and management plans to demonstrate that the detailed proposal either reduces the biodiversity impact or does not result in any additional harm above that already identified at this stage.

Subject to the additional information being submitted and approved by WCC Ecology, there would be no objection to the development in terms of biodiversity impact. At the time of writing, the additional information set out within the section above is still outstanding and therefore the objection still stands on the basis of a lack of information relating to Ecological Matters.

Under normal circumstances, Officers would not submit an application to Committee where fundamental issues such as this are still outstanding. In this case, as the application relates to a non-determination appeal, Officers need to obtain a Committee recommendation to present the Council's case at the appeal and this recommendation needs to be considered at the June Committee meeting

in order to meet the deadline set by the Planning Inspectorate for the submission of the Council's Statement of Case.

Taking into account the above, Officers recommend that Members recommend that should additional information be forthcoming to overcome the objection in advance of the appeal deadline, then no objection would be raised to the appeal on the basis of the impact on Ecology Matters.

Should no additional information be forthcoming by the required deadline, Officers would recommend that Members support the lack of information as a reason for refusal as part of the recommendation on the case and that this would form part of the Council's case at the planning appeal.

Water/Drainage

Surface Water Drainage

Policy FW2 of the Warwick District Local Plan states that all new major developments must incorporate SUDS that provide biodiversity, water quality and amenity benefits and be in accordance with the Warwickshire Surface Water Management Plan. There will be a presumption against underground storage of water, and it should support the delivery of green infrastructure. In addition, SuDS schemes must be located outside the floodplain; ideally this should be within the development site or close to the site as part of a masterplanned drainage scheme. Priority should be given to SuDS that incorporate green infrastructure, including green roofs, walls and rain gardens.

The proposed scheme would utilise SUDS methodology for all on-site surface water drainage in accordance with the requirements of Policy FW2.

The drainage strategy submitted setting out the methodology has been assessed by the County Lead Local Flood Authority who have raised an objection to the scheme in its current form and have stated that at the 'outline' planning stage the Surface Water Drainage Strategy should be developed to inform the masterplan or indicative site layout. This should be based on SuDS principles and provide opportunity to attenuate surface water runoff, improve water quality and provide amenity and biodiversity. This should be supported by suitable high-level calculations demonstrating the performance of the attenuation and that adequate space is provided.

The LLFA have requested additional information to demonstrate that the proposed strategy is acceptable. This includes overland flow routing identified on a plan with details of all proposed mitigation measures together with further information relating to sustainable source control methods within the site together with landowner permission to discharge into the existing brook.

Subject to the additional information being submitted and approved by the LLFA, there would be no objection to the development in terms of surface water drainage. At the time of writing, this information is still outstanding and therefore the

objection still stands on the basis of a lack of information relating to surface water drainage.

Under normal circumstances, Officers would not submit an application to Committee where fundamental issues such as this are still outstanding. In this case, as the application relates to a non-determination appeal, Officers need to obtain a committee recommendation to present the Council's case at the appeal and this recommendation needs to be considered at the June Committee meeting in order to meet the deadline set by the Planning Inspectorate for the submission of the Council's Statement of Case.

Taking into account the above, Officers recommend that Members recommend that should additional information be forthcoming to overcome the objection in advance of the appeal deadline, then no objection would be raised to the appeal on the basis of the impact on surface water drainage.

Should no additional information be forthcoming by the required deadline, Officers would recommend that Members support the lack of information as a reason for refusal as part of the recommendation on the case and that this would form part of the Council's case at the planning appeal.

Foul Drainage

Policy BE1 requires new development to incorporate necessary services and drainage infrastructure without causing unacceptable harm to retained features including incorporating sustainable water management features.

Foul drainage is proposed to be connected to the mains sewerage within the village and this is considered an acceptable solution. This would be subject to separate approvals with Severn Trent. Final details of the drainage layout would be secured by condition.

Water Efficiency

Policy FW3 requires all new development to meet a water efficiency standard of 110 litres per person, per day to create a sustainable form of development that minimises water usage and waste.

Officers consider that this can be secured through an appropriately worded condition.

Sustainability

The Council has declared a climate emergency. As part of this declaration, the Council is taking steps to becoming a net-zero carbon organisation. In addition, all efforts are to be made to reduce overall carbon emissions across the district to as close to zero as possible by 2030.

Policy CC1 of the Local Plan states that all development is required to be designed to be resilient to, and adapt to the future impacts of, climate change through the inclusion of adaptation measures such as:

- a) using layout, building orientation, construction techniques and materials and natural ventilation methods to mitigate against rising temperatures.
- b) optimising the use of multi-functional green infrastructure (including water features, green roofs and planting) for urban cooling, local flood risk management and to provide access to outdoor space for shading, in accordance with Policy NE1.
- c) incorporating water efficiency measures, encouraging the use of grey water and rainwater recycling, in accordance with Policy FW3.
- d) minimising vulnerability to flood risk by locating development in areas of low flood risk and including mitigation measures including SuDS in accordance with Policy FW2.

Applicants will be required to set out how the requirements of the policy have been complied with including justification for why the above measures have not been incorporated.

In addition, Policy CC3 requires major allocated sites to consider the potential for the use of large-scale decentralised district heating networks.

The dwellings proposed within the current application are outline in nature and as such, no detailed plans have been submitted. The Masterplan submitted is also indicative so does not represent the final design or layout of the scheme. On this basis, it is not possible to provide a detailed scheme for sustainable energy measures at this stage as these can be reliant on the final form of not just the scheme but also the design of the proposed dwellings.

It is also noted that the delivery of the new homes may potentially be after the adoption of the new updated Building Regulations that will set a much higher requirement for sustainability in new homes. All new homes would have to achieve this standard.

In line with Policy CC3, the Sustainability Statement has considered the use of a District Heating System or Combined Heat and Power Source. Officers consider that a further assessment of the energy provision on the site can be secured by condition and further assessment of District Heating would be considered at that stage.

Overall, it is considered appropriate to require the submission of details of energy and sustainability matters through conditions attached to the permission to allow further consideration of additional energy saving measures once a detailed layout has been determined to ensure that the final development helps to achieve the District Councils climate change objectives.

Air Pollution

Air Quality is a critical issue that forms part of the District Councils Climate Change objectives. The existing Air Quality SPD sets out a framework of requirements to

mitigate and where relevant, improve local Air Quality whilst contributing to wider Air Quality management objectives.

The Environmental Sustainability Officer has made an assessment of the proposal and raised no objection subject to conditions seeking the submission of a Low Emission Strategy identifying appropriate air quality improvement measures including under the District Councils Air Quality Action Plan and Low Emission Strategy Guidance as necessary. This guidance establishes the principle of Warwick District as an 'Emission Reduction Area' and requires developers to use 'reasonable endeavours' to minimise emissions and, where necessary, offset the impact of development on the environment.

Appropriate mitigation measures such as electric vehicle (EV) recharging provision and other locally specific measures to be used to minimise and/or offset any emissions from new development can be secured by conditions.

Officers are satisfied that these are technical matters, and the specific details can be secured by the requested condition so as to make the proposed development acceptable.

Waste Storage

As this is an outline application, the final layout of the scheme is unknown at this stage. The indicative layout plan submitted is considered to adequately demonstrate that all properties are provided with adequate storage areas for refuse and recycling bins. Any reserved matters submission would need to demonstrate that these facilities are available for all plots and that the site can be adequately serviced by refuse vehicles.

Open Space

The site in its entirety proposes areas of open space. The proposal has been assessed by the Green Space Officer who has considered the indicative layout plan. Whilst some concerns have been raised to this plan, the plan is purely indicative, and the final design of the scheme is not yet set. It is considered appropriate to condition that appropriate open space provision is provided within the site in line with the adopted Supplementary Planning Document and if any shortfall is identified then a requirement for an off-site contribution be secured through the Section 106 Agreement. Should no shortfall be apparent, this obligation would naturally fall away.

Previous discussions have been carried out where it was considered more appropriate to provide a financial contribution towards improvements to the existing main village play area rather than provide an on-site, smaller play area. In light of the considerations set out above, it is considered appropriate to incorporate the provision for this to be included within the Section 106 Agreement through an appropriately worded obligation. Obviously, the final detail of the scheme will be the element that sets the baseline for any financial contribution.

Impact on local services

The proposed development of up to 83 dwellings would create additional demand for local services and to mitigate this, contributions towards community facilities would be required.

Negotiations into the levels of contributions are ongoing between the applicants and the Local Planning Authority. A draft Section 106 Agreement is required for submission as part of the Public Inquiry procedure.

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

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

The necessary contributions identified would be secured through an appropriate Section 106 Legal Agreement. At the current time, the following financial contribution requests have been received.

• Outdoor Sporting Contribution	£5,956
• Indoor Sporting Contribution	£69,547
• Grass Pitch Contribution	£93,453
• Doctors Surgeries	£tbc
• Hospitals	£74,487.02
• Education	£tbc
• Libraries	£830
• Road Safety	£4,150
• Biodiversity Offsetting	£233,190
• Monitoring (County)	£500
• Monitoring (WDC)	£tbc

Any additional figures received following the writing of this report will be reported within the update sheet.

Additionally, the Section 106 Agreement will also secure the following.

- 40% Affordable Housing
- Appropriate mechanism for securing Biodiversity Offsetting Payments.
- Provision and Adoption of Open Space Areas including any commuted sums.
- Adoption of SUDS.

- Local Labour Agreement.

Trees/ Hedgerows

As part of the application submission, a tree survey was submitted identifying all trees on site with details of trees to be removed as well as all trees to be retained. The content of this report was assessed and considered acceptable by tree officer.

However, in order to minimise the loss of trees and hedgerows across the site, Officers consider that it is appropriate to require the submission of an updated tree survey, prior to the submission of any reserved matters that will thereafter inform the proposed layout of the reserved matters whilst seeking to retain as many trees as possible across the site.

As part of this requirement, Officers would also seek to ensure that all retained trees and hedgerows are adequately protected, and these measures should be included within the report and laid out on site prior to any works commencing.

Archaeology

The County Archaeologist considered the submitted information which included a geophysical survey of the site.

Conclusion

This proposed development is subject to an appeal against non-determination and Officers have to present the item to Members to obtain a resolution of how to proceed with the application.

The principle of development has been considered acceptable as the site forms part of a wider allocation where circumstances have now changed that would preclude bringing the whole site forwards for a comprehensive re-development. As the parcels of land associated with this development are separate entities, Officers are satisfied that some housing can be realised on these land parcels and the balance of the allocated site area will remain within the control of Warwickshire Police who will maintain the existing Heritage Asset of Woodcote House which was a driving factor behind the requirement for a comprehensive redevelopment project.

Members will note that in certain areas, information is still outstanding and therefore, Officers have recommended that should these matters not be satisfactorily addressed by the due date for the submission of the Council's Statement of Case, then the Council will utilise this information to form the basis of its defence of the appeal. In such a case, the reasons for refusal are set out below.

Should the outstanding information be submitted to the satisfaction of the relevant consultees, Officers recommend that the Council's Statement of Case would recommend no objection to the proposed development the subject of the appeal

and would recommend the conditions listed at the bottom of the report together with the completion of a Section 106 Agreement to secure the required obligations.

CONDITIONS

1 Implementation

The development hereby permitted in detail (i.e. the means of access and the detailed first phase of 98 no. dwellings, landscaping, SUD's and open space) must be begun not later than the expiration of three years from the date of this permission.

The development hereby permitted in outline must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2 Submission of Reserved Matters

With the exception of the detailed first phase of 98 no. dwellings and associated access, servicing, highway works, parking, footpaths, cycleways, public realm and other related works, this permission is granted under the provisions of Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2015 as amended, on an outline application and the further approval of the District Planning Authority shall be required to the undermentioned matters hereby reserved before any development is commenced on each subsequent phase of development:-

- Appearance
- Landscaping (other than the structural landscaping hereby approved)
- Layout
- Scale

REASON: To comply with Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended).

3 Submission of Reserved Matters Time Limit

In the case of the reserved matters specified above, application for approval, accompanied by all detailed drawings and particulars must be made to the Local Planning Authority, for each phase of the development,

not later than the expiration of three years beginning with the date of this permission.

REASON: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

4 **Foul Drainage Scheme**

Notwithstanding details contained within the approved documents, prior to commencement of each phase of development hereby approved, a Foul Drainage scheme to include.

- a) A drainage strategy for the disposal of foul sewage; and
- b) Program of delivery

Shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall be implemented in accordance with the approved details prior to the first occupation of the relevant phase of development.

REASON: To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policies BE1, FW2 and NE5 of the Warwick District Local Plan 2011-2029.

5 **Construction Management Plan**

The development hereby permitted shall not commence unless and until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall provide for: the parking of vehicles of site operatives and visitors; site working hours and delivery times; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction, together with any details in relation to noise and vibration; and a scheme for recycling/disposing of waste resulting from demolition and construction works.

A model CMP can be found on the Warwick District Council website (https://www.warwickdc.gov.uk/downloads/file/5811/construction_management_plan) or by searching 'Construction Management Plan'. The development hereby permitted shall only proceed in strict accordance with the approved CMP.

REASON: In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029.

6 **Construction Environmental Management Plan**

No phase of development hereby permitted shall commence until a Construction and Environmental Management Plan (CEMP) for that phase has been submitted to and approved in writing by the District Planning Authority. The CEMP needs to be compliant with the British Standard on Biodiversity BS 42020:2013 published in August 2013. In discharging this condition, the LPA expect to see details concerning pre-commencement checks for protected and notable species with subsequent mitigation and monitoring, as deemed appropriate. In addition, appropriate working practices and safeguards for other wildlife dependent of further survey work, that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full.

REASON: To ensure that protected species are not harmed by the development in accordance with National Planning Policy Framework (NPPF) and Policy NE2 of the Warwick District Local Plan 2011-2029.

7 **Protected Species Contingency Plan**

Prior to the submission of any reserved matters, a Protected Species Contingency Plan shall be submitted to and approved in writing by the planning authority. The plan shall include:

- a) Further bat survey of the trees (if final plans show trees to be removed or significant period lapses) in accordance with BCT Bat Surveys – Good Practice Guidelines, has been carried out and if appropriate a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the District Planning Authority. Any approved mitigation plan shall thereafter be implemented in full.
- b) A pre-commencement badger survey carried out by a suitably qualified badger consultant and has been submitted to and approved in writing by the District Planning Authority. Any approved mitigation plan shall thereafter be implemented in full.

Note: The outcomes of the surveys are likely to have implications for the design and/or layout of the Development.

REASON: To ensure that protected species are not harmed by the development.

8 **Landscape and Ecological Management Plan**

No phase of development hereby permitted shall commence until a detailed Landscape and Ecological Management Plan (LEMP) for that phase has been submitted to and approved in writing by the District Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used, and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as water bodies, native species planting, wildflower grassland, woodland creation/enhancement, provision of habitat for protected species. Such approved measures shall thereafter be implemented in full.

REASON: To ensure a net biodiversity gain in accordance with NPPF and Policies NE3 and NE4 of the Warwick District Local Plan 2011-2029.

9 **Tree and Hedgerow Protection**

Prior to the commencement of the development hereby approved (including all preparatory work), the Tree Survey Report and Arboricultural Impact Assessment from RPS, reference JSL4106_770 and dated 9 March 2022 (as amended to take account of any changes in site layout), including the Arboricultural Method Statement and Tree Protection Plan, together referred to as the scheme of protection, shall be adopted.

The development thereafter shall be implemented in strict accordance with the approved scheme of protection, which shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed.

REASON: In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011 2029.

10 **Details of Lighting Scheme**

No phase of development hereby permitted shall commence until a detailed lighting scheme for that phase has been submitted and agreed between the applicant and the local planning authority. In discharging this condition, the District Planning Authority expects lighting to be restricted around the boundary edges, along hedgerows, around known bat roosts and badger setts, and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife. This could be achieved in the following ways:

- (a) Lighting should be directed away from vegetated areas.
- a) Lighting should be shielded to avoid spillage onto vegetated areas.
- b) The brightness of lights should be as low as legally possible.

- c) Lighting should be timed to provide some dark periods.
- d) Connections to areas important for foraging should contain unlit stretches

The agreed scheme to be fully implemented before/during development of the site as appropriate.

REASON: To ensure that protected species and habitats to be retained are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029, the National Planning Policy Framework (NPPF) and ODPM Circular 06/2005.

11 **Contaminated Land Assessment**

No phase of development hereby permitted shall commence until: -

1. (a) A site investigation for that phase has been designed for the site using the information obtained from the desk-top study and any diagrammatical representations (conceptual model). This should be submitted to and approved in writing by the planning authority prior to that investigation being carried out. The investigation must be comprehensive enough to enable:
 - e) A risk assessment to be undertaken relating to human health
 - A risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected
 - An appropriate gas risk assessment to be undertaken
 - Refinement of the conceptual model
 - The development of a method statement detailing the remediation requirements
- (b) The site investigation has been undertaken in accordance with details approved by the planning authority and a risk assessment has been undertaken.
- (c) A method statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters using the information obtained from the site investigation, has been submitted to the planning authority. The method statement shall include details of how the remediation works will be validated upon completion.
This should be approved in writing by the planning authority prior to the remediation being carried out on the site.
2. All development of the site shall accord with the approved method statement.
3. If during development, contamination not previously identified, is found to be present at the site then no further development shall take place (unless otherwise agreed in writing with the planning authority for an addendum to the method statement). This

addendum to the method statement must detail how this unsuspected contamination shall be deal with.

4. Upon completion of the remediation detailed in the method statement a report shall be submitted to the planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved method statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.'

REASON: To safeguard health, safety and the environment in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029.

12 **Fire Hydrants**

No phase of development hereby permitted shall commence until a scheme for the provision of adequate water supplies and fire hydrants for that phase, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority".

REASON: In the interests of Public Safety from fire, and the protection of Emergency Fire Fighters.

13 **Scheme of Open Space to be Submitted**

Notwithstanding details contained within the approved documents, prior to commencement of development under each reserved matters consent, a scheme of open space for that reserved matters consent to include details of;

- a) How mixed open space facilities will be incorporated into the development
- b) Informal open space;
- c) Appropriate children's play facilities;
- d) Outdoor sport facilities
- e) Allotment gardens;
- f) Management arrangements; and
- g) Program of delivery

Shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and retained thereafter.

REASON: To ensure appropriate open space and recreational facilities are provided to serve the development in accordance with Policy HS4 of the Warwick District Local Plan 2011-2029.

14 **Site Wide Masterplan to be Submitted**

Notwithstanding details contained within the approved documents, prior to the submission of reserved matters application for any phase of the development hereby approved, a Site Wide Masterplan to include;

- a) Illustrative details of how the proposed layout of development has been designed with due regard to the surrounding context;
- b) Land form topography as existing and proposed;
- c) Land use plan and character areas (including densities and building heights);
- d) Movement corridors within the site (including principal roads, footpaths, cycleways and green corridors) and demonstrating how these relate to existing movement networks in the wider area;
- e) Key infrastructure (including SUDs, significant utility provision);
- f) Landscape corridors and open space network;
- g) Public open space;
- h) Structural planting landscape areas;
- i) Street lighting arrangements and any other lighting to public space;
- j) A phasing plan including triggers for delivery of key elements of supporting infrastructure; and
- k) A statement establishing how the development proposals accord with the principles set out in the Site Wide Design Code.

Shall be submitted to and approved in writing by the Local Planning Authority.

The Site Wide Masterplan shall be used in the assessment of future applications unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of good urban design and a comprehensively planned development in accordance with NPPF and Policies DS7, DS15, BE2 of the Warwick District Local Plan 2011-2029.

15 **Site Wide Design Code to be Submitted**

Notwithstanding details contained within the approved documents, prior to the submission of a reserved matters application for each phase of the development hereby approved, a Site Wide Design Code to include;

- a) Hierarchy of streets/routes/sections (including the extent of adoptable highways and associated areas);
- b) Development blocks including built form and massing and relationship with adjoining development areas/blocks including areas of transition

between development parcels (including the relationship between built form and adjoining open space);

- c) Building types;
- d) Building heights;
- e) The means to accommodate the parking of vehicles and cycles;
- f) Sustainable Urban Drainage features;
- g) Key spaces, open spaces and green features;
- h) Architectural language and detailing;
- i) A scheme of strategic landscaping (including site sections, site visuals, site levels, structural landscaping and hedgerow retention)
- j) Design principles for street tree planting and other structural planting landscaping areas;
- k) Design principles on hard and soft landscaping treatments (including surfacing materials for all public realm) and proposals for their long-term management;
- l) Design principles on waste disposal and recycling;
- m) Design principles on the colour and texture of external materials and facing finishes for roofing and walls of buildings and structures;
- n) Design principles for street lighting and any other lighting to public space (including parking areas);
- o) The principles shall include a regulating plan on an ordnance survey base at a scale no greater than 1:1250;
- p) A mechanism for periodic review and refinement if necessary, of the approved Design Code

Shall be submitted to and approved in writing by the Local Planning Authority. The Site Wide Design Code shall be used in the assessment of future applications unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of good urban design and a comprehensively planned development in accordance with NPPF and Policies DS7, DS15, BE2 of the Warwick District Local Plan 2011-2029.

16 **Sustainability Statement**

Notwithstanding details contained within the approved documents, prior to commencement of development within its relevant phase, a Sustainability Statement including an energy hierarchy scheme for that phase and a programme of delivery of all proposed measures shall be submitted to and approved in writing by the Local Planning Authority. The document shall include;

- a) How the development will reduce carbon emissions and utilise renewable energy;
- b) Measures to reduce the need for energy through energy efficiency methods using layout, building orientation, construction techniques and materials and natural ventilation methods to mitigate against rising temperatures;
- c) How proposals will de-carbonise major development;

- d) Details of the building envelope (including U/R values and air tightness);
- e) How the proposed materials respond in terms of embodied carbon;
- f) Consideration of how the potential for energy from decentralised, low carbon and renewable energy sources, including community-led initiatives can be maximised;
- g) How the development optimises the use of multi-functional green infrastructure (including water features, green roofs and planting) for urban cooling, local flood risk management and to provide access to outdoor space for shading,

No dwellings shall be first occupied until the works within the approved scheme have been completed 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.

No further development phases shall be inhibited from shared heating/cooling systems unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure the creation of well-designed and sustainable buildings and in accordance with Policies CC1 and CC3 of the Warwick District Local Plan (2011-2029) and National Design Guidance (2019).

17 **Site Levels/Finished Floor Levels**

No development other than site clearance and preparation works shall take place on any phase of the development until details of the finished floor levels of all buildings, together with details of existing and proposed site levels on that phase and the relationship with the surrounding area have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with these approved details or any subsequently approved amendments.

REASON: To ensure sufficient information is submitted to demonstrate a satisfactory relationship between the proposed development and adjacent land and buildings in the interests of amenity in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

18 **Air quality Mitigation**

Prior to the submission of any reserved matters application an appropriate scheme of mitigation in accordance with Warwick District Council's Air Quality Supplementary Planning Document (January 2019) shall be submitted to and approved by the local planning authority. The approved scheme shall then be implemented in full prior to the first occupation of the development and shall not be altered in any way thereafter without expressed written consent from the local planning authority.

REASON: To ensure that future occupants do not experience unacceptable levels of noise, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

19 **Materials**

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. Development shall be carried out in accordance with the approved details.

REASON: To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

20 **Large Scale Details**

No development shall be carried out above slab level unless and until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in strict accordance with such approved details.

REASON: To ensure a high standard of design and appearance in accordance with Policies HE1 and BE1 of the Warwick District Local Plan 2011-2029.

21 **Estate Roads laid out to satisfaction of the Highways Authority**

No dwelling shall be occupied until the estate roads [including footways and cycleways] serving it have been laid out and substantially constructed to the satisfaction of the Highway Authority in accordance with the details approved in writing by the Local Planning Authority.

REASON: In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

22 **Provision of Cycle Parking**

The development shall not be occupied until details of cycle parking facilities in accordance with the Warwick District Council Parking Standards 2018 have been submitted to the Local Planning Authority.

REASON: In the interests of sustainable transport opportunities and to assist with mitigation against air quality impacts associated with the

proposed development in accordance with Policies TR1 and NE5 of the Warwick District Local Plan.

23 Low Emission Strategy

The development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Low Emission Strategy Guidance for Developers (April 2014) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter.

REASON: To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan.

24 Water Efficiency

Notwithstanding details contained within the approved documents, prior to construction of each phase of residential development a scheme for that phase demonstrating how water efficiency measures have been incorporated into the development and shall demonstrate how, consideration has been given to the incorporation of grey water and rainwater recycling measures, shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved measures have been completed 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 the any relevant manufacturer's specifications.

REASON: To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policies FW3 and CC1 of the Warwick District Local Plan 2011-2029.

25 Pedestrian and Cycle Links

The reserved matters to be submitted pursuant to condition 1 shall include full details of how the development will ensure pedestrian and cycle connectivity both within the site and to adjoining land uses is delivered.

REASON: In the interests of encouraging sustainable modes of travel in accordance with Policies HS1, HS6, BE1 and TR1 of the Warwick District Local Plan 2011-2029.

26 Estate Roads Layout

The layout of the estate roads serving the development [including footways, cycleways, verges, footpaths and private drives] shall not be designed other than in accordance with the principles and guidance as

set out in 'Transport and Roads for Developments: The Warwickshire Guide 2001'.

REASON: In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

27 **Construction of Estate Roads**

The construction of the estate roads serving the development [including footways, cycleways, verges and footpaths] shall not be other than in accordance with the standard specification of the Highway Authority.

REASON: In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

28 **Landscaping Standards**

Notwithstanding details contained within the approved documents, the landscaping scheme(s) approved under any subsequent reserved matters application(s) shall be;

- a) Carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation;
- b) Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted;
- c) All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations.

REASON: To ensure a satisfactory standard of appearance of the development and to protect and enhance the amenities of the area, in accordance with Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029.

29 **Landscape Replacement Planting**

Any landscaping (other than the planting of trees and shrubs) including boundary treatment, paving and footpaths referred to in condition 1 shall be completed in all respects, with the exception of tree(s) and shrub(s) planting, within the first planting season following the first occupation of dwellings within that phase and within the first planting season following the first occupation of the new school, and the tree(s) and shrub(s) shall be planted within six months of that first occupation. -

Any tree(s) or shrub(s) removed, dying, or becoming in the opinion of the Local Planning Authority seriously damaged, defective or diseased within five years from the substantial completion of the scheme shall be

replaced within the next planting season by tree(s) or shrub(s) of similar size and species to those originally required to be planted.

All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations.

REASON: To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.

30 **Protection of Habitat**

No work shall start on site until adequate measures have been taken to protect existing habitat associated with the Wood Pasture and Parkland Priority Habitat and the Lunch and Cattle Brook Local Wildlife Site near to the site during development. Sufficient measures should form a site protection plan from direct and indirect impacts. A barrier, such as a wire fence, should be erected before works start. This fenced area should include a sufficient buffer zone between the development / associated works and the boundary of the LWS. It is important NOT to allow access, or storage of materials within this buffer zone, otherwise soil compaction is likely to occur, with subsequent damage to the ground flora.

REASON: To ensure the protection of important habitats during development.

31 **Housing Mix**

The mix of type and size of market dwellings submitted as part of any reserved matters application must accord with the recommendations contained within the most up to date version of the Strategic Housing Market Assessment at the point of submission of the reserved matters unless an alternative strategy is agreed in writing by the Local Planning Authority.

REASON: To ensure that the housing meets the needs of the District as required by Local Plan Policy H4 of the Warwick District Local Plan 2011-2029 and the NPPF.

32 **Footpath Maintenance Condition**

No site security fencing may be erected on or within 1m of public right of way W179a. Should any damage occur to the surface or route of Footpath W179a, the applicant must make good any damage to the surface of public right of way immediately and to the satisfaction of the Warwickshire County Council Rights of Way Team.

REASON: To ensure sustainable modes of travel are maintained in accordance with Policies HS1, HS6, BE1 and TR1 of the Warwick District Local Plan 2011-2029.

REASONS FOR REFUSAL

- 1 Policy TR1 of the Warwick District Local Plan 2011-2029 states that development will only be permitted that provides safe, suitable and attractive access routes for pedestrians, cyclists, public transport users, emergency vehicles, delivery vehicles, refuse vehicles and other users of motor vehicles, as appropriate.

In the opinion of the Local Planning Authority, insufficient information has been submitted to demonstrate that the development would not result in harm to highway safety on the local highway network. In addition, the submitted information does not include information to demonstrate that appropriate consideration has been given to the provision and improvement of footpaths and cycle paths into the application site to facilitate the practical use of sustainable transport options. The proposed scheme does not provide a safe route for pedestrians and cyclists to access the highway footpath.

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

- 2 Policy NE2 of the Warwick District Local Plan 2011-2029 states that development will not be permitted that will destroy or adversely affect protected, rare, endangered or priority species unless it can be demonstrated that the benefits of the development clearly outweigh the nature conservation value or scientific interest of the site and its contribution to wider biodiversity objectives and connectivity.

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

Circular 06/2005 sets out the statutory obligations for considering protected species within the planning system and sets out a range of criteria for ensuring protected species are not harmed by development.

In the opinion of the Local Planning Authority, insufficient information has been submitted to demonstrate that protected species will not be harmed as a result of the development or that appropriate mitigation can be provided to overcome any identified harm.

Therefore, in the opinion of the Local Planning Authority the proposed development would cause unacceptable harm to protected species. The

development is thereby considered to be contrary to the
aforementioned policies and associated Government Guidance.

- 3 Policy FW2 of the Warwick District Local Plan 2011-2029 states that all new major developments must incorporate SuDS that provide biodiversity, water quality and amenity benefits and be in accordance with the Warwickshire Surface Water Management Plan.

In the opinion of the Local Planning Authority, insufficient information has been submitted to demonstrate the proposed drainage scheme is acceptable and would not result in increased flood risk elsewhere.

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

Planning Committee: 20 June 2023

Item Number: 7

Application No: [W 23 / 0334](#)

Town/Parish Council: Kenilworth
Case Officer: Theo Collum

Registration Date: 27/03/23

Expiry Date: 22/05/23

01926 456526 theo.collum@warwickdc.gov.uk

24 Albion Street, Kenilworth, CV8 2FW

Proposed driveway. FOR Mr Mason

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

RECOMMENDATION

The recommendation is to approve the application.

DETAILS OF THE DEVELOPMENT

The application seeks planning permission to install a brick-finished paved driveway, with associated landscaping works, including the levelling of part of the front garden and a 1250mm high retaining wall.

THE SITE AND ITS LOCATION

The application site relates to a terraced house in Kenilworth.

PLANNING HISTORY

None relevant

RELEVANT POLICIES

- National Planning Policy Framework

Warwick District Local Plan 2011-2029

- BE1 - Layout and Design
- BE3 - Amenity
- TR3 - Parking

Kenilworth Neighbourhood Plan

- KP13 - General Design Principles

Guidance Documents

- Parking Standards (Supplementary Planning Document- June 2018)

SUMMARY OF REPRESENTATIONS

WCC Highways - no objection

Kenilworth Town Council - Object on grounds of loss of on street parking, potential hazard to pedestrians, changes to the street scene

Assessment

Impact on the street scene

Local plan policy BE1 details that planning permission will only be granted where the proposals harmonise with the existing street scene. Neighbourhood Plan Policy KP13 requires new development to show a positive response to the site's surroundings.

Number 24 is part of a small terrace of houses on Albion Street that don't currently feature driveways, however they are set back some way from the street, in line with the rest of the north side of the street, where driveways are a common feature. It is not considered that introducing a driveway here would be incongruous with the rest of the street scene. The proposal is acceptable in line with Local Plan Policy BE1.

Impact of the proposal on the living conditions of neighbouring occupiers

Warwick District Local Plan Policy BE3 states 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.

Policy KP13 of the Kenilworth Neighbourhood Plan states that the impact on the residential amenity of existing and future residents must be assessed and addressed.

In the context of Policy BE3, amenity is defined as the ability of people 'to enjoy public spaces and their own residences without undue disturbance or intrusion from nearby uses'. Examples of harm to amenity may include loss of privacy, loss of daylight, visual intrusion, noise or light pollution. The construction of a driveway to the front of 24 Albion Street is not considered to create undue visual intrusion, or any loss of privacy or daylight to the neighbours, and it is not that any unacceptable level of noise or light pollution would result from the use of the space as a residential driveway.

The proposed construction of a driveway is not considered to harm the amenity of neighbouring occupiers and is acceptable under Local Plan Policy BE3.

Parking and highway safety

Warwick District Local Plan Policy TR3 states that development will only be permitted that makes provision for parking which does not result in on-street car parking detrimental to highway safety. Development will be expected to comply with the parking standards set out in the most recent Parking SPD.

In line with the Parking Standards SPD, the proposed driveway would provide parking for two cars, whereas at present, there is no off-street parking available to this property. It is noted that Kenilworth Town Council objected to the loss of public on-street parking, however, the space in front of the proposed driveway would only accommodate a single car, compared to the two spaces provided within the driveway. It is also likely that some of the demand for street parking in the area would be coming from occupants of number 24.

Kenilworth Town Council also identified a potential hazard to pedestrian safety from the creation of a new access. Warwickshire County Council Highways Authority were also consulted and did not identify any potential dangers. It should also be noted that Albion Street is classified as a D road, the installation of a dropped kerb would not normally require planning permission, and it is the driveway itself that requires permission in this case.

It is not considered that the proposed works would lead to an increase in on-street parking, or compromise highway safety, and are acceptable under Local Plan Policy TR3

Summary

The proposed development is considered to be acceptable in terms of design, as assessed under Local Plan Policy BE1 and Neighbourhood Plan Policy KP13, impact on neighbouring amenity, as assessed under Local Plan Policy BE3 and Neighbourhood Plan Policy KP13 and parking and highway safety, as assessed under Local Plan Policy TR3. It is therefore recommended that the planning permission is granted.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 1286 02 A, and specification contained therein, submitted on 27/03/2023. **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.

Planning Committee: 20 June 2023

Item Number: 8

Application No: [W 23 / 0346](#)

Town/Parish Council: Leamington Spa
Case Officer: Lucy Shorthouse

Registration Date: 17/04/23

Expiry Date: 12/06/23

01926 456528 lucy.shorthouse@warwickdc.gov.uk

7 Walnut Drive, Leamington Spa, CV32 7XU

Erection of single storey side extension FOR Mr J Huxley

This application is being presented to Planning Committee as the applicant is an employee of Warwick District Council.

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The applicant seeks planning permission for the erection of a single storey side extension.

THE SITE AND ITS LOCATION

The application site relates to a single storey end of terrace dwelling, located south of Tesco Express, at the southwest side of Walnut Drive. The property is visible from Crown Way and fronts onto the access road. The properties in the adjoining terrace and immediate context are similar in design and appearance. The application site is within a mixed-use area of Lillington.

PLANNING HISTORY

W/11/1318 - Erection of single storey side extension to make two bed bungalow into three bed – Granted

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- BE1 - Layout and Design
- BE3 - Amenity
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Royal Leamington Spa Neighbourhood Plan 2019-2029
- RLS4 - Housing Character Outside the Conservation Areas

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council - No objection

WCC Ecology - Recommends ecological notes be added to any approval granted.

Public Response - None received.

ASSESSMENT

The key issues for consideration are:

- Design
- Impact on amenity neighbouring properties
- Ecological impacts

Design and impact on the street scene

Local Plan Policy BE1 requires all development to relate well and harmoniously with the architectural form of the surrounding built environment, in terms of scale and massing, and also through good design. The adopted Residential Design Guide SPD also sets out design principles to which development proposals will be expected to adhere.

The proposed side extension replaces an existing store. The proposed extension continues the roofline of the dwelling to infill the gap and provides an enlarged kitchen area, with a rooflight above. By virtue of its scale and design, the extension is considered sympathetic to the character of the original dwelling. The proposed extension is considered to constitute good design and will not result in harm to the character of the street scene. Materials are proposed to match the existing.

It is therefore considered the proposals are acceptable and in accordance with Local Plan Policy BE1.

Impact on neighbouring properties

Local Plan Policy BE3 requires 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 unneighbourly impact on neighbouring properties by reason of loss of light or outlook.

The application property is sited at the end of a terrace and the extension faces the boundary with Tesco Express. There is therefore no breach to the 45 degree from the neighbour and the impact of the extension is considered acceptable.

It is therefore considered that the proposals comply with Warwick District Local Plan Policy BE3.

Ecology

Policy NE2 of the Warwick District Local Plan 2011-2029 states that development will not be permitted that will destroy or adversely affect protected, rare, endangered or priority species unless it can be demonstrated that the benefits of the development clearly outweigh the nature conservation value or scientific interest of the site and its contribution to wider biodiversity objectives and connectivity. Policy NE2 goes on to state that all proposal likely to impact on these assets will be subject to an ecological assessment.

Warwickshire County Council Ecology recommended that in the event of an approval, explanatory notes are added for the protection of bats and birds. These notes have been attached as requested, and the proposal is considered to comply with Local Plan Policy NE2.

SUMMARY/CONCLUSION

The proposal is considered to constitute good design and have an acceptable impact on amenity. The development is considered to comply with all aforementioned policies and is recommended for approval.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) titled 'Proposed Floor Plan', 'Northeast Elevation Proposed', 'Northwest Elevation Proposed', and specification contained therein, submitted on 17th April 2023. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 All external facing materials for the development hereby permitted shall be of the same type, texture, and colour as those of the existing building. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029.

Application No: [W 23 / 0362](#)

Town/Parish Council: Budbrooke
Case Officer: Theo Collum

Registration Date: 22/03/23

Expiry Date: 17/05/23

01926 456526 theo.collum@warwickdc.gov.uk

401 Birmingham Road, Budbrooke, Warwick, CV35 7DZ

Erection of Single storey side extension to provide an En-suite and dressing room. Off-white render to existing property. FOR Mr. Eales

This application is being presented to Committee because the applicant is a former employee of Warwick District Council.

RECOMMENDATION

That the application is refused.

DETAILS OF THE DEVELOPMENT

Erection of a single-storey pitched roof side extension to provide a dressing area and ensuite bathroom to existing bedrooms, with materials to match the rest of the property, and application of white render to entire property.

THE SITE AND ITS LOCATION

The application site refers to a detached house on Birmingham Road, Budbrooke. The site is a detached house, built in red brick with white render to the front and side gable ends. The house lies within the Canal Conservation Area and the Green Belt. The house fronts the A4177 Birmingham Road and the Grand Union Canal runs along the back of the property's rear garden. The property is among a cluster of houses along the southern side of Birmingham Road, which also has some commercial units. Hatton Park is to the northwest of the site and the village of Budbrooke lies southeast, separated by the canal, the rail line and some fields.

PLANNING HISTORY

None relevant

RELEVANT POLICIES

- National Planning Policy Framework

Warwick District Local Plan 2011-2029

- BE1 - Layout and Design

- BE3 - Amenity
- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- DS18 - Green Belt
- H14 - Extensions to Dwellings in the Open Countryside

Budbrooke Neighbourhood Plan

- BNDP7 - Design of Development in Budbrooke Parish

Guidance Documents

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

SUMMARY OF REPRESENTATIONS

WDC Conservation - no objection

WCC Ecology - object pending photographs to determine the need for a bat survey

ASSESSMENT

Impact on the Green Belt

Local Plan Policy DS18 states that Warwick District Council will apply national policy to proposals affecting the green belt. NPPF para. 147 states inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 149 provides some exceptions to this, including extensions to buildings where that extension does not result in 'disproportionate' additions over and above the original building. While the NPPF does not define what should be considered as disproportionate, Local Plan Policy H14 provides a figure of 30% as what the Council will consider to be a disproportionate increase in the size of the building.

Historic maps show a much smaller house present at this address until the 1980s, and the rear wing of the house, accommodating the kitchen and dining area is constructed from a different brick pattern compared to the rest of the house, which likewise suggests the original building in this case to relate only to the front part of the house, and not the more recent rear extension. The original house, in this case, had a floor area of around of 73m², and the existing extension has an area of 34.5 m². This means that as existing the house has been extended to almost 50% of its original size, over the 30% guide that the Council uses to determine what extensions will be considered disproportionate.

This proposal would therefore constitute a disproportionate addition to a dwelling in the Green Belt, which is considered inappropriate by definition, and should not

be allowed unless very special circumstances exist to outweigh the harm to the Green Belt. It is not considered that there are any very special circumstances surrounding this proposal that would outweigh that harm. Being a private dwelling, any benefit arising from the development would also be considered to be private, and although the proposed extension itself is small in scale, this does not weigh against the inappropriateness of the development. Therefore, the proposal is considered inappropriate development in the Green Belt, for which there are no very special circumstances outweighing the harm to the Green Belt, and should not be allowed, following NPPF para. 147, and Local Plan Policies DS18 and H14.

Design and Conservation

The NPPF places an increased emphasis on the importance of achieving good quality design as a key aspect of sustainable development. Paragraph 134 states that planning decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate external facing materials. Development is expected to function well and add to the overall quality of the area by appearing sympathetic to the local character and history.

Local Plan Policy BE1 echoes paragraph 134 of the NPPF and states that new development will be permitted where it positively contributes to the character and quality of its environment through good layout and design. Proposals are expected to demonstrate that they harmonise with, or enhance, the existing settlement in terms of physical form, patterns of movement and land use. Proposals are also expected to reinforce or enhance the established urban character of streets and reflect, respect and reinforce local architectural distinctiveness. The Council's adopted Residential Design Guide SPD provides guidance to help make the assessment of good design under Policy BE1.

Additionally, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, "in the exercise, with respect to any buildings or other land in a conservation area [of any planning functions] ... special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

Warwick District Local Plan Policy HE1 states that where development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimum viable use.

WDC Conservation have no objection to the application, subject to a condition requiring matching materials. The proposal is limited in scale and would only have a very minor visual impact, with the proposal being suitably subservient to the original house and the design having no harmful impact on the street scene. The proposal is acceptable under Local Plan Policies BE1 and HE1.

Impact on the Amenity of Neighbouring Occupiers

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. There is no conflict with the 45-Degree Guideline or the Distance Separation Standards, and therefore the proposals are considered not to cause any material harm in terms of outlook or loss of light and privacy for neighbouring occupiers. Local Plan Policy BE3 is complied with.

Ecology

The County Ecologist has recommended a Preliminary Bat Survey be undertaken. However, Officers are mindful that there are no specific bat records for the application site itself, the roof space could be converted without the need for planning permission, and the property is well sealed and situated in built-up area. Moreover, bats and their 'roost' sites are fully protected under the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2010. It is a criminal offence to recklessly disturb or destroy a bat 'roost'. Where a bat 'roost' is present a licence may be necessary to carry out any works. If evidence of bats is found whilst carrying out works, there is a legal requirement to stop work and notify Natural England. A note advising the applicant of this will be added to any approval granted.

Summary

While the proposal would have acceptable impacts under BE1, HE1 and BE3, there would be conflict with Local Plan Policy H14, and national policy on Green Belts. The proposed side extension would result in a disproportionate addition to a building in the Green Belt, and no very special circumstances are identified that would outweigh the resulting harm. It is therefore recommended for refusal.

REFUSAL REASONS

- 1 The NPPF and Policy DS18 of the Warwick District Local Plan state that the extension of a building that results in disproportionate additions over and above the size of the original building will constitute inappropriate development within the Green Belt. Policy H14 states that extensions that represent an increase of more than 30% to the gross floorspace of the original building are likely to be considered disproportionate.

In the opinion of the Local Planning Authority, the proposed development represents a disproportionate addition to the original building and therefore constitutes inappropriate development in the Green Belt which is harmful by definition and by reason of harm to openness. No very special circumstances are considered to exist which outweigh the harm identified.

The proposed development is therefore contrary to the aforementioned policies.

Application No: [W 23 / 0381](#)

Town/Parish Council: Leamington Spa
Case Officer: Lucy Hammond

Registration Date: 05/04/23

Expiry Date: 31/05/23

01926 456534 lucy.hammond@warwickdc.gov.uk

Town Hall, Parade, Leamington Spa, CV32 4AT

Use of Town Hall as a 'creative hub', including new steps and ramps to the building's main entrance together with the demolition and reconstruction of an existing two storey structure at the rear to provide upgraded toilets and new lift
FOR Warwick District Council

This application is being presented to Committee because it is an application made by the District Council and relates to a District Council owned building.

RECOMMENDATION

That planning permission is granted subject to the conditions listed at the end of this report.

DETAILS OF THE DEVELOPMENT

This is a full planning application which proposes the use of the Town Hall as a creative hub. The operational development required to facilitate this comprises improvements to the main entrance of the building through the replacement of the existing ramp and revealing the original steps together with the demolition of an existing two storey structure at the rear and its replacement with an improved and more fit for purpose two storey structure (to accommodate improved toilet facilities and a lift).

The proposed works are also subject to a separate application for listed building consent which is being considered simultaneously to this and it is noted that the listed building consent also covers all internal works necessary to facilitate the building's proposed use (which, for the avoidance of doubt, do not form part of the full application).

It is worth noting here, that during the course of this current application, revised plans have been submitted; the previously proposed new entrance in the Livery Street elevation of the Town Hall has been removed from the plans and the supporting statements amended accordingly to reflect the change. The rest of the proposals remain as per the plans originally submitted and are unaffected by the amendment.

THE SITE AND ITS LOCATION

The application relates to the Town Hall in Royal Leamington Spa; an imposing Grade II listed municipal building dated 1882-1884 constructed from pinkish-red brick with sandstone ashlar dressings and a Welsh slate roof, partly fish-scaled. The building contains many architectural details and flourishes incorporating Tudor and French baroque elements and there is a central projecting portico to the ground floor, fronting Parade, above which sits pairs of Tuscan pilasters and paired Corinthian columns, with single columns between windows and decorated frieze with masks. A clock tower sits on the building's southern end.

The Town Hall is centrally placed in the town centre and is within the Royal Leamington Spa Conservation Area as well as the Creative Quarter. Internally, the building provides a range of spaces and uses for the Town Council's offices, the University of Warwick, Motionhouse (dance company), Leamington Music and the Post Office. There are also several hireable rooms and leased offices as well as spaces, such as the Council Chamber, for District Council functions.

While the building's main entrance fronts Parade to the west, it has a further entrance (not currently in use) to its southern elevation fronting Regent Grove. To the north side is Livery Street, otherwise known as Regent Court, which is a pedestrianised route through to Regent Street to the north, characterised by restaurants and other dining facilities. At the rear of the Town Hall, there is an area for car parking which is accessed off Regent Grove to the south.

PLANNING HISTORY

While there are several planning records for the Town Hall, over approximately the last thirty years, these are mostly Listed Building Consents which are primarily concerned with internal works, refurbishment, alterations to doors and so on and as such are of no direct relevance to the proposals being considered here.

RELEVANT POLICIES

- National Planning Policy Framework

Warwick District Local Plan 2011-2029

- DS5 - Presumption in Favour of Sustainable Development
- PC0 - Prosperous Communities
- TCP1 - Protecting and Enhancing the Town Centres
- CT1 - Directing New Meeting Places, Tourism, Leisure, Cultural and Sports Development
- SC0 - Sustainable Communities
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice
- TR3 - Parking
- HS8 - Protecting Community Facilities
- CC1 - Planning for Climate Change Adaptation
- FW1 - Development in Areas at Risk of Flooding

- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- HE4 - Archaeology
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE5 - Protection of Natural Resources

Royal Leamington Spa Neighbourhood Plan 2019-2029

- RLS3 - Conservation Area
- RLS6 - Protection of Community Facilities
- RLS16 - Royal Leamington Spa Town Centre
- RLS17 - Royal Leamington Spa Creative Quarter

Guidance Documents

- Air Quality & Planning Supplementary Planning Document (January 2019)
- Parking Standards (Supplementary Planning Document- June 2018)

SUMMARY OF REPRESENTATIONS

WCC Highways: Neutral response which offers comments; parts of the building affected by the proposals fall within sections of the highway not maintainable at public expense and as such the Highway Authority offers no comment. The reduction in parking is deemed acceptable given the sustainable town centre location of the building.

WDC Conservation: No objection, subject to conditions

Conservation Advisory Forum: Generally supportive of the overall aim to reinvigorate the Town Hall. In terms of detail, these are primarily considered acceptable; the originally proposed Livery Street entrance was seen by some as a potentially positive move, but raised by others that its purpose was unclear and potentially unjustified in terms of heritage harm.

Health & Community Protection - Environmental Sustainability: No objection, subject to conditions

LLFA: No objection

WCC Ecology: No objection, subject to conditions and notes

ASSESSMENT

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

- Principle of development;
- Impact on heritage assets;
- Visual impact / character of area;

- Impact on neighbouring/residential amenity;
- Access and parking;
- Impact on ecology;
- Drainage; and
- Any other relevant considerations.

Principle of development

There are several relevant policies which are key to determining whether or not the principle of development is considered acceptable. These are set out below.

Local Plan Policy HS8 relates to the protection of community facilities and states that their redevelopment or change of use will only be permitted where it can be demonstrated:

- a) There are similar facilities accessible to the local community by means other than the car, and either;
- b) The facility is redundant and no other user is willing to acquire and manage it, or;
- c) There is an assessment demonstrating a lack of need for the facility within the local community.

In the first instance it is important to note that the proposals presented here do not propose to redevelop the Town Hall in such a way that would result in its loss as a community facility. While this is explored in more detail below, for the purposes of considering the application against this policy, officers are of the view that the resulting development would continue to protect a community facility which serves local needs.

Policy CT1, in relation to new meeting places, tourism, leisure, cultural and sports development, advises that such uses will be permitted in the town centre in accordance with the town centre policies. Policy TC1 states that subject to Policies TC2 to TC16 and any relevant area action plan, proposals for any of the main town centre uses will be permitted within town centres where they are of an appropriate scale in relation to the role and function of the town centre and provided that non-shopping proposals would not compromise its shopping function. Proposals will also be required to reflect the character and form of the town centre.

The application site is located within the town centre and is considered by officers to be an appropriate mixed town centre use which is not considered to compromise the town centre's shopping function.

Policy RLS6 of the Royal Leamington Spa Neighbourhood Development Plan (RLSNDP) relates to the protection of community facilities which are identified on Figure 8 within the Plan. The Town Hall is listed No.32 (Fig. 8b – Community Facilities East) at Appendix 1 of the Plan. Policy RLS6 states that proposals for new and improved community facilities will be supported where they are in accordance with other neighbourhood and development plan policies.

Policy RLS17 relates to the Royal Leamington Spa Creative Quarter and states that proposals for development within this area will be supported where they address

as appropriate bullet points a) – f) listed in the policy. Officers consider points b) and d) (copied below) to be of direct relevance although the proposals would no doubt have an indirect positive impact on other criteria listed in the policy:

- b) Environmental improvements to key buildings, frontages, through routes and gateway points;
- d) Re-use of empty buildings and use upper floors in accordance with other development plan policy.

The policy further stipulates particular uses which will be supported (when it is in accordance with the Local Plan) to further the development of the Creative Quarter. Amongst the list, and of particular relevance for the purposes of assessing the principle of development, are community/event space as well as studio and co-working space for small businesses, artists and makers. Lastly the policy states that the redevelopment of certain key opportunity sites for the aforementioned uses will be supported. One such key opportunity site listed is the Town Hall.

By way of a summary, the proposals presented here seek to reimagine the Town Hall and create a new multifunctional space, which would continue to provide some Town Hall civic functions, whilst at the same time would have greater flexibility and a more expansive range of uses within the site. In detail, the works comprise improvements to the main entrance onto Parade, the main circulation spaces incorporating new public exhibitions, a new reception and anchor space, shop, rebuilt and upgraded toilet facilities and lift, break-out and multi-use spaces and all necessary refurbishment works and fire upgrades to facilitate the proposed multifunctional space.

These uses would fall neatly within the suggested uses contained within RLSNDP Policy RLS17 and would result in a more effective use of the building which is, in part, currently under-utilised. The proposed change of use is therefore considered to represent an enhancement of an existing community facility which complies with the requirements of Policy RLS6 and is also compliant with the other relevant and aforementioned policies.

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."

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, "In the exercise, with respect to any buildings or other land in a

conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

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.

Policy RLS3 of the RLSNDP states that development proposals that are within or directly affect a Conservation Area must assess and address their impact on their heritage significance and must demonstrate attention to certain criteria specified within the policy.

Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Following an amendment being made to the plans as originally submitted, a new entrance door proposed in the Livery Street elevation of the Town Hall no longer forms part of the proposed works for which planning permission and listed building consent are being sought. The remainder of the proposed works which are mostly internal but also involve the demolition and rebuilding of a rear two storey extension that accommodates the toilets and lift as well as some improvements to the main entrance steps and disabled ramp, have been confirmed by the Principal Conservation Officer as works to which there is no objection on heritage grounds.

The rear elevation of the Town Hall is arguably of much lower sensitivity, appearing relatively utilitarian at present. The proposed lift and extension, with decorative brickwork, offers some degree of architectural visual interest and is considered to be a sympathetic addition to the building's evolution. There is sufficient justification presented in the supporting documentation for a lift of this scale and nature.

On the building's frontage, the proposed new entrance and ramp would necessitate the removal of two original stone steps from outside the front entrance. Whilst these have not been visible to officers during the course of the application, it is the intention of the applicant to ensure that a site investigation is undertaken, involving the removal of a section of the existing ramp in order to document the steps subject to removal. Officers are satisfied that a carefully worded condition requiring the details of what should be submitted and the timeframe within which this investigative work should be undertaken adequately deals with this aspect of the proposed works. Consequently, there are no heritage objections, in principle, to this part of the development.

Overall, and in light of the amended plans received showing the omission of the Livery Street entrance, officers are of the view that the proposed works involving the improved main entrance and the demolition and rebuilding of the two storey

structure at the rear would result in no harm to the significance of the heritage assets, principally the Grade II listed building, nor to the character and appearance of the Conservation Area.

Since no material harm has been identified to the significance of the heritage asset it is not necessary to engage the public benefits test. The application is considered to comply with Policy HE1 and in making this assessment, officers have had regard to the weight that should be given to the desirability of preserving the special interest and setting of the heritage assets.

Visual impact / character of area

Policy BE1 requires new development to positively contribute to the character and quality of its environment through good layout and design. While primarily applicable to residential development, it is still worth noting the Residential Design Guide SPD (2018) which provides a framework through which additional design principles are set out to ensure that high quality design is promoted, sensitive to, and in keeping with the area in which it is located.

From a visual amenity point of view the key changes proposed externally to the Town Hall involve the front entrance steps/ramp and the removal and re-building of the two storey extension to the rear elevation, intended to accommodate improved toilet and lift facilities.

The building's front façade would be largely unaltered by the proposals given that the only intervention is the removal of the existing timber steps and ramps which arguably detract from this elevation at present, in favour of a more considered solution to achieve level access. At the rear, on the northeast elevation the proposed interventions, which are more involved, would result in the removal of an existing two storey structure, an existing unsympathetic modern ramp, an unsympathetic metal fire escape stair and two windows together with the enlargement of window openings and other ancillary alterations (i.e. to down pipes, air conditioning units).

The proposed two storey extension as re-built would consist of matching brickwork in English bond brick, with design features to include brick banding detail and arched heads. Despite the fact that this particular elevation is not readily visible from within the public domain, given its location to the rear of the Town Hall, officers are satisfied that the resulting development would represent a sympathetic addition to the rear and would be aesthetically preferable to the arrangement currently in situ.

Accordingly, it is not considered that the proposed external works would result in any material harm to the visual amenities of the site and surrounding area and moreover the proposals represent a visual improvement certainly to the rear elevation. Accordingly, the development is considered acceptable in this regard and as such accords with Policy BE1.

Impact on neighbouring / residential amenity

Policy BE3 states that development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents. At the same time, the policy also requires development to provide acceptable standards of amenity for all future users and occupiers of the development.

There are residential units to the rear (east/northeast) of the Town Hall, which occupy the upper floors of the buildings in both Livery Street and Regent Grove. Ground floor uses are occupied by a mix of offices, retail and café/restaurants. A hotel sits to the north and other commercial uses to the west on the opposite side of Parade.

Officers are satisfied, given the configuration and layout of the rear elevation and car parking area that the re-built two storey extension would result in no material harm by reason of additional loss of light, loss of privacy or loss of outlook to neighbouring land uses to the rear. In terms of any additional noise, which might arise from external plant and/or equipment a suitably worded planning condition, limiting any such noise would ensure that residential neighbours are not adversely affected by the proposals.

Accordingly, officers are satisfied that the development is acceptable in this regard and as such accords with Policy BE3.

Access and parking

Policy TR1 requires development to provide safe, suitable and attractive access routes for all road users; including drivers of motor vehicles as well as cyclists, pedestrians and public transport users.

Policy TR3 requires development to make provision for parking which has regard to the location and accessibility of the site by means other than the private car, does not result in on-street car parking detrimental to highway safety; takes account of the parking needs of disabled car users, motorcyclists and cyclists; and takes account of the requirements of commercial vehicles. Moreover, development will be expected to comply with the parking standards set out in the most recent Parking SPD.

The main entrance to the site is located on Parade. Alterations are proposed at this entrance, however, this section of the highway is not maintainable at public expense and as such the County Highway Authority has offered no comment on this aspect of the works.

It is noted that the proposals would result in a net loss of 3no. parking spaces, reducing the number of parking spaces available at the site from eight to five. However, it is acknowledged that the site is situated within a sustainable location with good public transport links and there are public car parks within close proximity for staff, and as such the reduction in car parking spaces can be accommodated by these amenities.

With this in mind, the County Highway Authority has confirmed there is no objection to the proposed development and no conditions or advisory notes have been recommended in this case.

For the above reasons officers are satisfied that the development is acceptable in this regard and as such accords with Policies TR1 and TR3.

Impact on Ecology

Preliminary ecological reports were submitted with the application, with which the County Ecologist is in broad agreement, noting there is negligible risk to bats though caution should still be taken. Since the scope of the proposed works does not realistically allow for landscape measures to be taken, recommended measures including the use of bat boxes and swift bricks for installation within the new lift extension into the brickwork were explored with the applicant. Such features would not detract from the significance of the heritage asset and if installed at the same time as construction would avoid any bird disturbance.

Upon the submission of further information and clarification by the applicant of the measures proposed to be taken, the County Ecologist has confirmed that the risk to protected species has been thoroughly assessed, suitable measures will be implemented and consequently there are no objections to the development subject to the imposition of relevant conditions and precautionary notes.

Officers are therefore satisfied that the works would not result in any harm to protected species and the development accords with Policies NE2 and NE3.

Drainage

Notwithstanding the fact that the application proposes minimal changes to the building, the LLFA provided an initial response to the application stating that no details of drainage and surface water management had been submitted and as such it would be unable to review the proposals which essentially amounted to an objection. Further information was requested from the applicant, whilst also recognising the minimal scale and nature of the proposed development and the resulting impact this might have on drainage.

The applicant provided further information in this regard which has consequently resulted in the LLFA removing its objection. No conditions or advisory notes are recommended. To that end, officers are satisfied that the development is acceptable in this regard and as such it accords with Policy FW1.

Other matters

Adapting to Climate Change/Sustainability Measures

Policy CC1 aims to ensure that all new development is resilient to and adapted to the future impacts of climate change through the inclusion of measures to mitigate against rising temperatures and increased flood risk through sustainable construction measures and the incorporation of sustainable drainage methods.

In this particular instance, the proposals involve the change of use of an existing building, which incidentally is a Grade II listed heritage asset, and such works primarily involve some internal reconfiguration of spaces to facilitate the end use with exterior works involving the re-building of one small rear extension which would accommodate toilet facilities and a lift. Accordingly, and especially in view of the heritage significance of the building, the opportunities for sustainability measures to be incorporated into the development are extremely limited.

Overall, having regard to both the scale and nature of the proposals and the physical works they involve, together with the Grade II listed status of the building, officers are satisfied that the development is acceptable in this regard.

Summary/Conclusion

The principle of development which involves the change of use of the Town Hall to form a 'creative hub' through predominantly internal works to facilitate multi-functional spaces together with improved access to the building's frontage and a re-built two storey extension at the rear to accommodate improved toilet facilities and a lift is considered acceptable having regard to the relevant provisions of Local Plan Policies HS8, CT1 and TC1 as well as RLSNDP Policies RLS6 and RLS17.

The majority of the works are internal and where external works are proposed officers are satisfied that these would not result in any visual harm to the character or appearance of the area nor would there be any harm to neighbouring amenity. The heritage impacts of the proposed works have been carefully considered and following amendments being made to the plans showing the omission of the originally proposed Livery Street entrance officers are now satisfied that the improvements to the main entrance together with the works proposed to the rear would represent a sympathetic addition to the building and consequently would result in no harm to the significance of the heritage assets; principally the fabric of the Grade II listed building and also to the character and appearance of the Royal Leamington Spa Conservation Area.

There are no access or parking concerns with the proposed development given the central town centre location of the building and the ample provision of on-street and car park spaces available in close proximity together with the availability of connections and routes to public transport.

There would be no harm to features of ecological importance; matters of drainage have been satisfactorily addressed through the course of the application and in view of the listed status of the building together with the minimal scale and nature of the physical works involved to facilitate the change of use, opportunities for sustainability measures to be incorporated are considered extremely limited.

Overall, and having regard to all of the above considerations, officers recommend that planning permission be granted subject to the conditions set out below.

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 the following approved drawings:-

241990-PUR-00-01-DR-A-3002 Rev.P03; 241990-PUR-00-01-DR-A-3003 Rev.P03; 241990-PUR-00-01-DR-A-3004 Rev.P03; 241990-PUR-00-01-DR-A-3006 Rev.P03; 241990-PUR-00-B1-DR-A-1010 Rev.P03; 241990-PUR-00-B1-DR-A-2000 Rev.P03; 241990-PUR-00-GF-DR-A-3000 Rev.P03; 241990-PUR-00-GF-DR-A-3001 Rev.P03; 241990-PUR-00-RF-DR-A-1014 Rev.P03; 241990-PUR-00-RF-DR-A-2004 Rev.P03; 241990-PUR-00-ZZ-DR-A-1110 Rev.P03; 241990-PUR-00-ZZ-DR-A-1112 Rev.P03; 241990-PUR-00-ZZ-DR-A-1113 Rev.P03; 241990-PUR-00-ZZ-DR-A-2100 Rev.P03; 241990-PUR-00-ZZ-DR-A-2102 Rev.P03; 241990-PUR-00-ZZ-DR-A-2103 Rev.P03; 241990-PUR-00-ZZ-DR-A-5001 Rev.P03; and 241990-PUR-00-ZZ-DR-A-5002 Rev.P03, and specification contained therein, submitted on 13 March 2023;

241990-PUR-00-01-DR-A-1012 Rev.P05; 241990-PUR-00-01-DR-A-2002 Rev.P05; 241990-PUR-00-01-DR-A-2302 Rev.P04; 241990-PUR-00-01-DR-A-2402 Rev.P04; 241990-PUR-00-02-DR-A-1013 Rev.P05; and 241990-PUR-00-02-DR-A-2003 Rev.P05; and specification contained therein, submitted on 27 April 2023; and

241990-PUR-00-GF-DR-A-1011 Rev.P06; 241990-PUR-00-GF-DR-A-2001 Rev.P06; 241990-PUR-00-GF-DR-A-2301 Rev.P05; 241990-PUR-00-GF-DR-A-2401 Rev.P05; 241990-PUR-00-GF-DR-A-3005 Rev.P04; 241990-PUR-00-GF-DR-A-3007 Rev.P04; 241990-PUR-00-ZZ-DR-A-1111 Rev.P04; 241990-PUR-00-ZZ-DR-A-1210 Rev.P04; 241990-PUR-00-ZZ-DR-A-2101 Rev.P04; and 241990-PUR-00-ZZ-DR-A-2200 Rev.P05; and specification contained therein, submitted on 24 May 2023.

Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

3 The development hereby permitted shall not commence unless and until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall provide for: the parking of vehicles of site operatives and visitors; site working hours and delivery times; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not

carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction, together with any details in relation to noise and vibration; and a scheme for recycling / disposing of waste resulting from demolition and construction works. A model CMP can be found on the Council's website (https://www.warwickdc.gov.uk/downloads/file/5811/construction_management_plan) or by searching 'Construction Management Plan'. The development hereby permitted shall only proceed in strict accordance with the approved CMP. **Reason:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029.

- 4 No part of the development hereby permitted shall be commenced until a scheme for the provision of 2 suitable nesting boxes/bricks for swifts to be erected on buildings within the site has been submitted to and approved in writing by the County Planning Authority. The scheme to include details of box type, location, and timing of works. Thereafter, the boxes/bricks shall be installed and maintained in perpetuity. **Reason:** To enhance the nature conservation value of the site and ensure biodiversity net gain in accordance with the NPPF and Policy NE3 of the Warwick District Local Plan 2011-2029.
- 5 No development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
- 6 No development shall be carried out above slab level unless and until large scale details of internal doors, at a scale of 1:5 (including details of materials) have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in strict accordance with such approved details. **Reason:** To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029.
- 7 During the works, if hidden original stone steps to the front entrance are revealed they should be retained in-situ. If these are deemed to be beyond repair, the steps should be recorded and suitable replacement steps agreed with the Conservation Officer. **Reason:** To secure and safeguard the provision for inspection and recording of matters of historical importance associated with the building that may be lost in the course of works in accordance with Policy HE1 of the Warwick District Local Plan 2011-2029.

- 8 The development hereby permitted shall be carried out in accordance with the measures to safeguard the nesting peregrine falcons identified within the Preliminary Bat Roost and Nesting Bird Assessment dated 22 February 2023 Ref: C3077-1. **Reason:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029.
- 9 Noise arising from any plant or equipment (measured as LAeq,5 minutes), when measured (or calculated to) one metre from the façade of any noise sensitive premises, shall not exceed the background noise level (measured as LA90,T). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level.' **Reason:** To ensure that the level of noise emanating from the building is confined to levels which would not cause unacceptable disturbance to the detriment of the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.
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Application No: [W 23 / 0382 LB](#)

Town/Parish Council: Leamington Spa
Case Officer: Lucy Hammond

Registration Date: 13/03/23
Expiry Date: 08/05/23

01926 456534 lucy.hammond@warwickdc.gov.uk

Town Hall, Parade, Leamington Spa, CV32 4AT

Proposed new steps and ramps to the building's main entrance; adaptation of internal areas, corridor spaces, main staircase and reception; demolition and reconstruction of an existing two-storey structure at the rear. FOR Warwick District Council

This application is being presented to Committee because it is an application made by the District Council and relates to a District Council owned building.

RECOMMENDATION

That listed building consent is approved subject to the conditions listed at the end of this report.

DETAILS OF THE DEVELOPMENT

This is a listed building consent application which proposes the use of the Town Hall as a creative hub. The works required to facilitate this comprise improvements to the main entrance of the building through the replacement of the existing ramp and revealing the original steps together with the demolition of an existing two storey structure at the rear, which is not an original part of the building, and its replacement with an improved and more fit for purpose two storey structure (to accommodate improved toilet facilities and a lift). This operational development is also subject to a separate planning application which is being considered simultaneously to this application. Further works are also proposed which involve internal works of refurbishment, reconfiguration and other alteration. These additional works are covered by this listed building consent application.

It is worth noting here, that during the course of this current application, revised plans have been submitted; the previously proposed new entrance in the Livery Street elevation of the Town Hall has been removed from the plans and the supporting statements amended accordingly to reflect the change. The rest of the proposals remain as per the plans originally submitted and are unaffected by the amendment.

THE SITE AND ITS LOCATION

The application relates to the Town Hall in Royal Leamington Spa; an imposing Grade II listed municipal building dated 1882-1884 constructed from pinkish-red brick with sandstone ashlar dressings and a Welsh slate roof, partly fish-scaled.

The building contains many architectural details and flourishes incorporating Tudor and French baroque elements and there is a central projecting portico to the ground floor, fronting Parade, above which sits pairs of Tuscan pilasters and paired Corinthian columns, with single columns between windows and decorated frieze with masks. A clock tower sits on the building's southern end.

The Town Hall is centrally placed in the town centre and is within the Royal Leamington Spa Conservation Area as well as the Creative Quarter. Internally, the building provides a range of spaces and uses for the Town Council's offices, the University of Warwick, Motionhouse (dance company), Leamington Music and the Post Office. There are also several hireable rooms and leased offices as well as spaces, such as the Council Chamber, for District Council functions.

While the building's main entrance fronts Parade to the west, it has a further entrance (not currently in use) to its southern elevation fronting Regent Grove. To the north side is Livery Street, otherwise known as Regent Court, which is a pedestrianised route through to Regent Street to the north, characterised by restaurants and other dining facilities. At the rear of the Town Hall, there is an area for car parking which is accessed off Regent Grove to the south.

PLANNING HISTORY

While there are several planning records for the Town Hall, over approximately the last thirty years, these are mostly Listed Building Consents which are primarily concerned with internal works, refurbishment, alterations to doors and so on and as such are of no direct relevance to the proposals being considered here.

RELEVANT POLICIES

- National Planning Policy Framework

Warwick District Local Plan 2011-2029

- HE1 - Protection of Statutory Heritage Assets

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: Support; this will achieve the aim of reinvigorating the Town Hall, create a creative space while enhancing public use of the building and will result in improved accessibility.

WDC Conservation: No objection, subject to conditions

Conservation Advisory Forum: Generally supportive of the overall aim to reinvigorate the Town Hall. In terms of detail, these are primarily considered acceptable; the originally proposed Livery Street entrance was seen by some as a potentially positive move, but raised by others that its purpose was unclear and potentially unjustified in terms of heritage harm.

ASSESSMENT

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

- Principle of development; and
- Impact on heritage assets;

Principle of development

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 proposed works affect both the fabric and setting of a prominent Grade II listed building. Such works are considered acceptable in principle subject to their impact on the listed building and its setting being acceptable and not resulting in any material harm. This is considered in the following section of this report.

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.

Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Following an amendment being made to the plans as originally submitted, a new entrance door proposed in the Livery Street elevation of the Town Hall no longer forms part of the proposed works for which planning permission and listed building consent are being sought. The remainder of the proposed works which are mostly internal but also involve the demolition and rebuilding of a rear two storey

extension that accommodates the toilets and lift as well as some improvements to the main entrance steps and disabled ramp, have been confirmed by the Principal Conservation Officer as works to which there is no objection on heritage grounds.

The rear elevation of the Town Hall is arguably of much lower sensitivity, appearing relatively utilitarian at present. The proposed lift and extension, with decorative brickwork, offers some degree of architectural visual interest and is considered to be a sympathetic addition to the building's evolution. There is sufficient justification presented in the supporting documentation for a lift of this scale and nature.

On the building's frontage, the proposed new entrance and ramp would necessitate the removal of two original stone steps from outside the front entrance. Whilst these have not been visible to officers during the course of the application, it is the intention of the applicant to ensure that a site investigation is undertaken, involving the removal of a section of the existing ramp in order to document the steps subject to removal. Officers are satisfied that a carefully worded condition requiring the details of what should be submitted and the timeframe within which this investigative work should be undertaken adequately deals with this aspect of the proposed works. Consequently, there are no heritage objections, in principle, to this part of the development.

Overall, and in light of the amended plans received showing the omission of the Livery Street entrance, officers are of the view that the proposed works involving the improved main entrance and the demolition and rebuilding of the two storey structure at the rear would result in no harm to the significance of the heritage asset, principally the Grade II listed building and its setting.

Since no material harm has been identified to the significance of the heritage asset it is not necessary to engage the public benefits test. The application is considered to comply with Policy HE1 and in making this assessment, officers have had regard to the weight that should be given to the desirability of preserving the special interest and setting of the heritage assets.

Summary/Conclusion

The principle of development which involves the change of use of the Town Hall to form a 'creative hub' through predominantly internal works to facilitate multi-functional spaces together with improved access to the building's frontage and a re-built two storey extension at the rear to accommodate improved toilet facilities and a lift is considered acceptable having regard to the relevant provisions of Local Plan Policy HE1.

The impacts on the heritage asset, both internally and externally, have been carefully considered and following amendments being made to the plans showing the omission of the originally proposed Livery Street entrance officers are now satisfied that the improvements to the main entrance together with the works proposed to the rear would represent a sympathetic addition to the building and consequently would result in no harm to the significance of the heritage asset; principally the fabric of the Grade II listed building and its setting.

Overall, and having regard to the above considerations, officers recommend that listed building consent be approved subject to the conditions set out below.

- 1 The works hereby permitted shall begin not later than three years from the date of this consent. **Reason:** To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) 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 the following approved drawings:-

241990-PUR-00-01-DR-A-3002 Rev.P03; 241990-PUR-00-01-DR-A-3003 Rev.P03; 241990-PUR-00-01-DR-A-3004 Rev.P03; 241990-PUR-00-01-DR-A-3006 Rev.P03; 241990-PUR-00-B1-DR-A-1010 Rev.P03; 241990-PUR-00-B1-DR-A-2000 Rev.P03; 241990-PUR-00-GF-DR-A-3000 Rev.P03; 241990-PUR-00-GF-DR-A-3001 Rev.P03; 241990-PUR-00-RF-DR-A-1014 Rev.P03; 241990-PUR-00-RF-DR-A-2004 Rev.P03; 241990-PUR-00-ZZ-DR-A-1110 Rev.P03; 241990-PUR-00-ZZ-DR-A-1112 Rev.P03; 241990-PUR-00-ZZ-DR-A-1113 Rev.P03; 241990-PUR-00-ZZ-DR-A-2100 Rev.P03; 241990-PUR-00-ZZ-DR-A-2102 Rev.P03; 241990-PUR-00-ZZ-DR-A-2103 Rev.P03; 241990-PUR-00-ZZ-DR-A-5001 Rev.P03; and 241990-PUR-00-ZZ-DR-A-5002 Rev.P03, and specification contained therein, submitted on 13 March 2023;

241990-PUR-00-01-DR-A-1012 Rev.P05; 241990-PUR-00-01-DR-A-2002 Rev.P05; 241990-PUR-00-01-DR-A-2302 Rev.P04; 241990-PUR-00-01-DR-A-2402 Rev.P04; 241990-PUR-00-02-DR-A-1013 Rev.P05; and 241990-PUR-00-02-DR-A-2003 Rev.P05; and specification contained therein, submitted on 27 April 2023; and

241990-PUR-00-GF-DR-A-1011 Rev.P06; 241990-PUR-00-GF-DR-A-2001 Rev.P06; 241990-PUR-00-GF-DR-A-2301 Rev.P05; 241990-PUR-00-GF-DR-A-2401 Rev.P05; 241990-PUR-00-GF-DR-A-3005 Rev.P04; 241990-PUR-00-GF-DR-A-3007 Rev.P04; 241990-PUR-00-ZZ-DR-A-1111 Rev.P04; 241990-PUR-00-ZZ-DR-A-1210 Rev.P04; 241990-PUR-00-ZZ-DR-A-2101 Rev.P04; and 241990-PUR-00-ZZ-DR-A-2200 Rev.P05; and specification contained therein, submitted on 24 May 2023.

Reason: For the avoidance of doubt and to secure a satisfactory form of development for this listed building in accordance with Policies HE1 and BE1 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 a high standard of design and appearance for this Listed Building, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029.
- 4 No development shall be carried out above slab level unless and until large scale details of internal doors, at a scale of 1:5 (including details of materials) have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in strict accordance with such approved details. **Reason:** To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029.
- 5 During the works, if hidden original stone steps to the front entrance are revealed they should be retained in-situ. If these are deemed to be beyond repair, the steps should be recorded and suitable replacement steps agreed with the Conservation Officer. **Reason:** To secure and safeguard the provision for inspection and recording of matters of historical importance associated with the building that may be lost in the course of works in accordance with Policy HE1 of the Warwick District Local Plan 2011-2029.
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