

Planning Committee

Tuesday 29 March 2016

A meeting of the above Committee will be held at the Town Hall, Royal Leamington Spa on Tuesday 29 March 2016 at 6.00pm.

Councillor Cooke (Chairman)

Councillor Ashford (Vice Chairman)

Councillor Boad

Councillor Mrs Knight

Councillor Mrs Bunker

Councillor Morris

Councillor Cain

Councillor Mrs Stevens

Councillor Mrs Falp

Councillor Weed

Councillor Mrs Hill

Emergency Procedure

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

Agenda

Part A – General

1. Apologies and Substitutes

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

2. Declarations of Interest

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

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

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

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

3. **Site Visits**

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

4. **Minutes**

To confirm the minutes of the Planning Committee of 1 March 2016.

(Item 4/Pages 1 to 20)

Part B – Planning Applications

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

- 5. **W14/0689 – Land North of Oakley Wood Road, Bishops Tachbrook** **(Pages 1 to 2)**
- 6. **W/15/1611 – Villiers House, Clarendon Avenue, Royal Leamington Spa** **(Pages 1 to 8)**
- 7. **W/15/2035 – 10 Claremont Road, Royal Leamington Spa** **(Pages 1 to 13)**
- 8. **W/15/2178 – Warwickshire College, Warwick New Road, Royal Leamington Spa** **(Pages 1 to 11)**
- 9. **W/16/0018 – 1 Castle Hill, Kenilworth** **(Pages 1 to 17)**
- 10. **W/16/0265 – 4 Somerville Mews, Coniston Road, Royal Leamington Spa** **(Pages 1 to 8)**

Part C – Other matters

- 11. **Current Appeals Report** **(To follow)**

Please note:

- (a) the background papers relating to reports on planning applications are open to public inspection under Section 100D of the Local Government Act 1972 and consist of all written responses to consultations made by the Local Planning Authority in connection with the planning applications referred to in the reports, the County Structure Plan Local Plans and Warwick District Council approved policy documents.
- (b) all items have a designated Case Officer and any queries concerning those items should be directed to that Officer.
- (c) in accordance with Council's Public Speaking Procedure, members of the public can address the Planning Committee on any of the planning applications or Tree Preservation Order reports being put before the Committee. If you wish to do so, please call 01926 456114 (Monday to Thursday 8:00am to 7:00pm, Friday 8:00am to 6:00pm and Saturday 9:00am to 1pm) or email committee@warwickdc.gov.uk, anytime after the publication of this agenda, but before 12 noon on the working day before the day of the meeting and you will be advised of the procedure.
- (d) please note, that the running order for the meeting may be different to that published above, in order to accommodate items where members of the public - Have registered to address the Committee.

- (e) occasionally items are withdrawn from the agenda after it has been published. In this instance, it is not always possible to notify all parties interested in the application. However, if this does occur, a note will be placed on the agenda via the Council's web site, and where possible, the applicant and all registered speakers (where applicable) will be notified via telephone.

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

Telephone: 01926 456114

E-Mail: committee@warwickdc.gov.uk

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

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

planningcommittee@warwickdc.gov.uk

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

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

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

Planning Committee

Minutes of the meeting held on Tuesday 1 March 2016 in the Town Hall, Royal Leamington Spa at 6.00 pm.

Present: Councillor Cooke (Chairman); Councillors Ashford, Boad, Mrs Bunker, Edgington, Mrs Falp, Miss Grainger, Mrs Hill, Mrs Knight, Mrs Stevens and Weed.

Also Present: Committee Services Officer – Mrs Dury; Legal Advisor – Mr Gregory; Planning Team Leader – Mr Sahota; and Senior Planning Officer – Ms Spandley.

171. Apologies and Substitutes

Councillor Miss Grainger substituted for Councillor Cain and Councillor Edgington substituted for Councillor Morris.

172. Declarations of Interest

Minute Number 175 – W/15/2139 – 113 Radford Road, Royal Leamington Spa

Councillor Miss Grainger left the room at the start of consideration of this item, having realised that she had a prejudicial interest as a member of Royal Leamington Spa Town Council's Planning Committee, which had discussed this application. She returned after the decision had been made.

Councillor Weed declared an interest whilst discussing this application because the application site was in her Ward and she had previously lived nearby.

Minute Number 176 – W/15/2169 – The Castle Pavilion, Castle Road, Kenilworth

Councillors Mrs Bunker and Miss Grainger declared an interest because they knew the applicant.

Councillor Cooke declared an interest because the applicant was a fellow councillor on his Ward.

Councillor Mrs Hill declared an interest because the application site was in her Ward.

Minute Number 177 – W/16/0055 – 10 Clarendon Crescent, Royal Leamington Spa

Councillor Ashford declared an interest because he knew the applicant.

Councillor Miss Grainger declared an interest because the application site was in her Ward.

PLANNING COMMITTEE MINUTES (Continued)

Minute Number 178 – W/15/1979 – Bethany, Clarendon Place, Royal Leamington Spa

Councillor Miss Grainger declared an interest because the application site was in her Ward.

Minute Number 179 – W/15/1980LB – Bethany, Clarendon Place, Royal Leamington Spa

Councillor Miss Grainger declared an interest because the application site was in her Ward.

173. Site Visits

There were no site visits.

174. Minutes

The minutes of the meeting held on 2 February 2016 were taken as read and signed by the Chairman as a correct record.

175. W/15/2139 – 113 Radford Road, Royal Leamington Spa

The Committee considered an application from Mr Ballinger for the conversion of existing outbuildings into a single dwelling (use Class C3).

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

The officer was of the opinion that the proposed change of use would be in accordance with Local Plan policies UAP1 and SC8 and was therefore considered to be acceptable in principle. The proposals would have an acceptable impact on the living conditions of neighbouring dwellings and on the character and appearance of the area. Furthermore the proposals were considered to be acceptable in terms of car parking and the impact on highway safety and in terms of flood risk. Therefore it was recommended that planning permission was granted.

An addendum circulated at the meeting informed that one of the objectors had submitted a supplementary comment raising concerns about the amenity of the proposed dwelling in terms of light. To improve the situation they pointed out that windows could be provided in the north elevation because these did not overlook existing dwellings.

The following people addressed the Committee:

- Councillor Knight, representing Royal Leamington Spa Town Council, which objected to the application; and
- Mr Simmons, who spoke in support.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Boad and seconded by Councillor Ashford that the application be granted.

PLANNING COMMITTEE MINUTES (Continued)

The Committee therefore

Resolved that W/15/2139 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 1131-0500-02, and specification contained therein, submitted on 17 February 2016. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) no development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details) and roof lights at a scale of 1:5 (including details of materials) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in strict accordance with such approved details.
Reason: For the avoidance of doubt, and to ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011;
- (4) unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy SC13 of the Warwick District Local Plan 1996-2011:
 - (i) no development shall commence unless or until a scheme for such provision or improvement (identifying the size/extent, location and specification of the space and works) has been submitted to and approved in writing by the Local Planning Authority; and
 - (ii) the dwellings hereby permitted shall not be

PLANNING COMMITTEE MINUTES (Continued)

occupied until the scheme so approved has been implemented.

Reason: To ensure the necessary infrastructure and facilities are provided in accordance with Policy SC13 of the Warwick District Plan 1996 – 2011;

- (5) the development hereby permitted shall not be commenced unless and until either:

(a) a scheme showing how 10% of the predicted energy requirement of the dwelling will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority; or

(b) a scheme showing how the fabric of the building will be designed to ensure that the dwellings achieve a 10% reduction in energy consumption compared with the minimum requirements of the building regulations at the time the dwelling is converted, has been submitted to and approved in writing by the District Planning Authority.

The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable.

Reason: To ensure that adequate provision is made for the generation of energy from renewable energy resources or the reduction in energy consumption, in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;

- (6) the development hereby permitted shall be carried out in strict accordance with details of surface and foul water drainage works that shall have been submitted to and approved in writing by the local planning authority.

Reason: To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site and to mitigate flood risk, in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011;

PLANNING COMMITTEE MINUTES (Continued)

- (7) all window and door frames shall be constructed in timber and shall be painted and not stained. **Reason:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011;
- (8) 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 DP1 of the Warwick District Local Plan 1996-2011;
- (9) the development hereby permitted shall be undertaken in the presence of a qualified bat worker appointed by the applicant to supervise all destructive works to the roof of the building and associated structures to be affected. All roofing material is to be removed carefully by hand. Appropriate precautions must be taken in case bats are found, such as the erection of at least one bat box on a suitable tree or building. Should evidence of bats be found during this operation, then work must cease immediately while Natural England and WCC Ecological Services are consulted for further advice. Any subsequent recommendations or remedial works will be implemented within the timescales agreed between the bat worker and the Local Authority Ecologist/Natural England. Notwithstanding any requirement for remedial work or otherwise, the qualified bat worker's report shall be submitted to the local planning authority within 1 month following completion of the supervised works to summarise the findings. **Reason:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-2011;
- (10) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development shall take place under Part 1 (Classes A, B and E) of Schedule 2 of this Order. **Reason:** That due to the restricted nature of the application site and its relationship with adjoining properties it is considered important to ensure that no

PLANNING COMMITTEE MINUTES (Continued)

additional development is carried out without the permission of the local planning authority in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011; and

- (11) prior to the occupation of the development hereby permitted, the first floor window in the west facing elevation shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed window shall be retained and maintained in that condition at all times. **Reason:** To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011.

176. W/15/2169 – The Castle Pavilion, Castle Road, Kenilworth

The Committee considered an application from Mr Cockburn for the proposed refurbishment of an existing building to form a dwelling.

The application was presented to Committee at the request of Warwick District Councillor, Councillor Shilton.

The officer was of the opinion that the previous refusal reasons /dismissed Appeal decision was not considered to have been overcome and the land associated with the proposed building to be converted was considered to have a detrimental impact upon the openness of the Green Belt and the setting of the Conservation Area, registered park and garden and the Scheduled Ancient Monument of Kenilworth Castle. It was therefore recommended that planning permission was refused.

An addendum circulated at the meeting gave details that one further objection had been received stating that the current application was virtually identical to the previous, which was rejected on appeal. Any change of use would forever change the nature of the area and significantly affect the Castle/rural assets. It raised concern of a precedent being established.

The following people addressed the Committee:

- Councillor Illingworth, representing Kenilworth Town Council, which opposed the application;
- Mr Spencer, representing local residents who opposed the application; and
- Mr Baily and Mr Cockburn, who supported the application.

PLANNING COMMITTEE MINUTES (Continued)

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Ashford and seconded by Councillor Edgington that the application be refused.

The Committee therefore

Resolved that W/15/2169 be **refused** for the following reasons:

- (1) the application site is within the Green Belt, wherein the Local Planning Authority is concerned to ensure that the rural character and openness of the area will be retained and protected in accordance with the National Planning Policy Framework (NPPF) 2012.

The proposed change of use of Green Belt land to domestic garden would be inappropriate development, harmful by definition, and would have a significant impact upon the rural character and appearance of this land through the potential encroachment of domestic paraphernalia and visual clutter. The physical appearance of the land could also radically change by the introduction of manicured lawns, flower beds/domestic planting etc. which would be harmful to the existing rural, open, character.

The scheme would therefore fail to preserve the openness, character and appearance of the Green Belt and constitutes inappropriate development conflicting with the aims and objectives of the NPPF and Policy RAP7 of the Warwick District Local Plan 1996-2011. No very special circumstances have been demonstrated and none are considered to exist that outweigh the harm identified; and

- (2) Policy DAP8 of the Warwick District Local Plan states development will be required to preserve or enhance the special architectural and historic interest and appearance of Conservation Areas. Policy DAP11 seeks to protect historic structures and the character and setting of historic parks and gardens.

The residential paraphernalia, visual clutter and domestic activities associated with the proposed dwelling would result in harm to the currently open and rural nature of the land surrounding the building, which is considered to be damaging to the character and setting of

PLANNING COMMITTEE MINUTES (Continued)

the adjoining Scheduled Ancient Monument, Registered Park and Garden and conservation area. The harm, although less than substantial in terms of the NPPF paragraph 134, is still sufficient to warrant refusal as there are no public benefits of the proposal. The scheme is therefore contrary to Policies RAP7, DAP8 and DAP11 of the Warwick District Local Plan 1996-2011 and the aims and objectives of the NPPF in seeking to preserve or enhance the historic environment.

177. W/16/0055 – 10 Clarendon Crescent, Royal Leamington Spa

The Committee considered an application from Mr Young for a change of use C3 (dwelling house) to three no. bed C4 (House in Multiple Occupation) in which no external or internal works were proposed.

The application was presented to Committee because of the number of objections that had been received.

The officer was of the opinion that the application was considered to adhere with the criteria set out in the draft Local Plan policy H6 and would be unlikely to lead to an over concentration of HMO's within this area to warrant refusal of the application. Furthermore, the parking requirement would not be increased for the change of use and there would be no adverse or substantial impact on the Conservation Area, street scene or nearby neighbours.

The following people addressed the Committee:

- Mr Lawson, a local resident, who opposed the application; and
- Councillor Gifford, Ward Councillor, who spoke in opposition to the application.

The Senior Planning Officer advised Councillors that if the applicant wished to increase the number of people living at the property above the six allowed under the current proposals for a HMO, type C4, they would need to apply for planning permission. The Legal Advisor also advised that it would not be considered reasonable to make it a condition of planning consent to limit the number of people who could live at the property; the applicant could simply return the building to a residential house which would mean that the Council had no right to stipulate the number of occupants.

Following consideration of the report, presentation, and the representations made at the meeting, it was proposed by Councillor Miss Grainger and seconded by Councillor Ashford that the application for the proposed change of use be granted.

The Committee therefore

Resolved that W/16/0055 for a change of use from a Class C3 three bed single dwelling house to a Class

PLANNING COMMITTEE MINUTES (Continued)

C4 House in Multiple Occupation be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended); and
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings and specification contained therein, submitted on 14 January 2016.
Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

178. W/15/1979 – Bethany, Clarendon Place, Royal Leamington Spa

The Committee considered an application from Sammi Developments Limited and Bethany Guild Limited for the conversion of a former care home building to form eight apartments, internal and external works to a listed building and erection of a detached garden house following demolition of three garages.

The application was presented to Committee because of the number of objections that had been received.

The officer was of the opinion that a conversion to residential and the erection of a new build dwelling would be acceptable in principle in this location. The proposals would have an acceptable impact on the living conditions of neighbouring dwellings and on the character and appearance of the listed building and the conservation area. Furthermore the proposals would have an acceptable impact on trees and on car parking and highway safety. Therefore it was recommended that planning permission was granted.

Following consideration of the report and presentation, it was proposed by Councillor Mrs Bunker and seconded by Councillor Weed that the application be granted.

The Committee therefore

Resolved that W/15/1979 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);

PLANNING COMMITTEE MINUTES (Continued)

(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) 420.201.03, 420.202.02, 420.203.02, 420.204.05, 420.205.02, 420.206.01, 420.211.01, 420.212.02 & 420.213.01, and specification contained therein, submitted on 27 January 2016 & 1 February 2016. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

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

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

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

Reason: To ensure the necessary infrastructure and facilities are provided in accordance with Policy SC13 of the Warwick District Plan 1996 – 2011;

(4) the development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO² emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with

PLANNING COMMITTEE MINUTES (Continued)

manufacturer's specifications. **Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;

- (5) the development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing. The hard landscaping works shall be completed in strict accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in strict accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011;
- (6) no development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges, rainwater goods, roof lights and the portico at a scale of 1:5 (including details of materials) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in strict

PLANNING COMMITTEE MINUTES (Continued)

accordance with such approved details.

Reason: For the avoidance of doubt, and to ensure an appropriate standard of design and appearance for this Listed Building and within the Conservation Area, and to satisfy Policies DAP4 and DAP8 of the Warwick District Local Plan 1996-2011;

- (7) no development shall be carried out on the site which is the subject of this permission until:

(a) details of the location of all remaining internal cornicing within the existing buildings; and

(b) details of the location and design of all cornicing to be reinstated and retained;

have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in strict accordance with such approved details.

Reason: For the avoidance of doubt, and to ensure an appropriate standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011;

- (8) no development shall be carried out on the site which is the subject of this permission until the following details have been submitted to and approved in writing by the local planning authority:

(a) details of all new internal partitions, including details of how partitions within historic rooms will be set down below the height of the room and any historic features within the room;

(b) details of all new staircases and any alterations to existing staircases; and

(c) details of any changes to historic doors, cornices, skirting boards and string courses.

The development shall not be carried out otherwise than in strict accordance with such approved details.

Reason: For the avoidance of doubt, and to ensure an appropriate standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011;

PLANNING COMMITTEE MINUTES (Continued)

- (9) no development shall commence unless and until details of the bridge link between the ground floor and the rear garden have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with the approved details. **Reason:** To ensure an appropriate standard of design and appearance for this Listed Building, in accordance with Policy DAP4 of the Warwick District Local Plan;
- (10) samples of all external facing and surfacing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in strict accordance with the approved details. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;
- (11) detailed drawings shall be submitted to and approved by the Local Planning Authority before any work is commenced to indicate the finished site and ground floor levels intended at the completion of the development in relation to the existing site levels and the levels of the adjoining land and the development shall be carried out and completed in strict accordance with the details so approved. **Reason:** To protect the character of the area and the amenities of adjoining occupiers in accordance with the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;
- (12) the development hereby permitted shall not be brought into use until all parts of existing accesses to the site, not included in the proposed means of access, have been permanently closed and the kerb and footway reinstated in accordance with the standard specification of the Highway Authority.
Reason: In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;
- (13) no development or other operations (including demolition, site clearance or other preparatory works) shall be commenced unless and until adequate steps, which shall have been

PLANNING COMMITTEE MINUTES (Continued)

previously approved in writing by the local planning authority, have been taken to safeguard against damage or injury during construction works (in accordance with Clause 7 of British Standard BS5837 – 2012 Trees in Relation to Design, Demolition & Construction) to all tree(s) to be retained on the site, or those tree(s) whose root structure may extend within the site. In particular no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree(s); no equipment, machinery or structure shall be attached to or supported by any retained tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area, or any other works be carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **Reason:** To protect those trees which are of significant amenity value to the area and which would provide an enhanced standard of appearance to the development in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;

- (14) none of the dwellings hereby permitted shall be occupied unless and until 2 replacement highway trees have been planted in accordance with details that shall have been submitted to and approved in writing by the local planning authority. All tree(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces). If within a period of five years from the date of planting the tree(s) (or any other tree(s) planted in replacement for it) is removed, uprooted, destroyed or dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree(s) of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree(s), or in accordance with any variation for which the local planning authority give their

PLANNING COMMITTEE MINUTES (Continued)

written consent. **Reason:** In the interests of the visual amenities and natural environment of the locality in accordance with Policies DP3 of the Warwick District Local Plan 1996-2011;

- (15) the existing tree(s) indicated to be retained in the Arboricultural Report Ref. 15037 by Sylva Consultancy (dated 7 May 2015) shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any tree(s) or shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with tree(s) and shrub(s) of such size and species details of which must be submitted to and approved by the local planning authority. All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces). **Reason:** To protect those trees and shrubs which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011;
- (16) the car parks hereby permitted shall be constructed, surfaced, laid out and available for use prior to the first occupation of the development hereby permitted, in full accordance with the approved plan. The car parks shall be retained for the purposes of parking for the development hereby permitted at all times thereafter. **Reason:** To ensure that adequate parking facilities are available, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996 – 2011;
- (17) none of the apartments hereby permitted shall be occupied unless and until a cycle store has been provided in accordance with details that shall have been submitted to and approved in writing by the local planning authority. The cycle store shall remain available for use at all times thereafter. **Reason:** In the interests of encouraging the use of alternative modes of

PLANNING COMMITTEE MINUTES (Continued)

transport with the aim of creating a more sustainable development in accordance with Policies SC4 & DP8 of the Warwick District Local Plan 1996-2011;

- (18) none of the dwellings hereby permitted shall be occupied until the refuse and recycling stores have been constructed in strict accordance with the approved plans. **Reason:** To protect the amenities of occupiers of the site and the character and appearance of the locality, in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (19) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking and re-enacting that Order with or without modification), no development shall take place under Part 1 (Classes A, B or E) of Schedule 2 of this Order. **Reason:** The site contains a Listed Building and is situated within the Leamington Spa Conservation Area. It is considered appropriate therefore to retain control over future development to preserve the character and appearance of the Listed Building and the Conservation Area, in accordance with the provisions of Policies DAP4 and DAP8 of the Warwick District Local Plan 1996-2011;
- (20) none of the dwellings hereby permitted shall be occupied unless and until the existing vehicular accesses to the site from the public highway have been remodelled in accordance with a scheme that shall have been approved in writing by the local planning authority. **Reason:** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011; and
- (21) the barrel-vaulted ceilings in the basement and in the retained cellars shall not be altered in any way and shall not be obscured by any form of covering. **Reason:** For the avoidance of doubt, and to ensure an appropriate standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011.

PLANNING COMMITTEE MINUTES (Continued)

179. W/15/1980LB – Bethany, Clarendon Place, Royal Leamington Spa

The Committee considered an application from Sammi Developments Limited and Bethany Guild Limited for internal and external works associated with a conversion into eight apartments. This application was considered in conjunction with application W/15/1979.

The application was presented to Committee because of the number of objections that had been received in relation to the associated planning application.

The officer was of the opinion that the proposals would preserve the character and appearance of the listed building and the conservation area. Therefore it was recommended that listed building consent was granted.

Following consideration of the report and presentation it was proposed by Councillor Mrs Bunker and seconded by Councillor Ashford that the application be granted.

The Committee therefore

Resolved that W/15/1980LB be **granted** subject to the following conditions:

- (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 approved drawing(s) 420.201.03, 420.202.02, 420.203.02, 420.204.05, 420.205.02, 420.206.01, 420.211.01, 420.212.02 & 420.213.01, and specification contained therein, submitted on 27 January 2016 & 1 February 2016. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) no development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges, rainwater goods, roof lights and the portico at a scale of 1:5 (including details of materials) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in strict

PLANNING COMMITTEE MINUTES (Continued)

accordance with such approved details.

Reason: For the avoidance of doubt, and to ensure an appropriate standard of design and appearance for this Listed Building and within the Conservation Area, and to satisfy Policies DAP4 and DAP8 of the Warwick District Local Plan 1996-2011;

- (4) no development shall be carried out on the site which is the subject of this permission until:

(a) details of the location of all remaining internal cornicing within the existing buildings; and

(b) details of the location and design of all cornicing to be reinstated and retained;

have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in strict accordance with such approved details.

Reason: For the avoidance of doubt, and to ensure an appropriate standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011;

- (5) no development shall be carried out on the site which is the subject of this permission until the following details have been submitted to and approved in writing by the local planning authority:

(a) details of all new internal partitions, including details of how partitions within historic rooms will be set down below the height of the room and any historic features within the room;

(b) details of all new staircases and any alterations to existing staircases; and

(c) details of any changes to historic doors, cornices, skirting boards and string courses.

The development shall not be carried out otherwise than in strict accordance with such approved details.

Reason: For the avoidance of doubt, and to ensure an appropriate standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011;

PLANNING COMMITTEE MINUTES (Continued)

- (6) no development shall commence unless and until details of the bridge link between the ground floor and the rear garden have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with the approved details. **Reason:** To ensure an appropriate standard of design and appearance for this Listed Building, in accordance with Policy DAP4 of the Warwick District Local Plan;
- (7) samples of all external facing and surfacing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in strict accordance with the approved details. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011; and
- (8) the barrel-vaulted ceilings in the basement and in the retained cellars shall not be altered in any way and shall not be obscured by any form of covering. **Reason:** For the avoidance of doubt, and to ensure an appropriate standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011.

180. TPO 495 – Land at Ambassador Court, Kenilworth Road, Royal Leamington Spa

The Committee considered a report that sought confirmation of a provisional Tree Preservation Order relating to one Willow Tree (T1) and one Beech Tree (T2).

The Tree Preservation Order (TPO) was presented to Committee because an objection had been received against the Order being confirmed.

The officer was of the opinion that it was not considered that the issues raised in the objection to the TPO were sufficient to outweigh the significant amenity contribution which the trees made to their surrounding area.

An addendum circulated at the meeting stated that a further email had been submitted to Members by the same resident whose previous comments were summarised in the Committee Report. The comments acknowledged the amenity value of the trees but reiterated the concerns with regard to potential damage at some point in the future to the sewage system and or the building from the roots of the trees. The issue of pigeon droppings on cars in the car park was also raised again.

PLANNING COMMITTEE MINUTES (Continued)

Councillors were assured that a TPO did not preclude tree maintenance works and if the tree was an immediate danger, works could be carried out without seeking consent providing that proof could later be supplied to show that there had been good reason to consider the tree was an immediate danger.

Following consideration of the report, presentation and the information contained in the addendum, it was proposed by Councillor Mrs Falp and seconded by Councillor Ashford that the confirmation of the provisional TPO was approved.

Resolved that officers be authorised to confirm TPO 495 without modification.

181. Planning Appeals Report

The Committee received a report, circulated at the meeting that outlined the current enforcement matters and appeals.

Resolved that the report be noted.

(The meeting ended at 7.20 pm)

Application No: [W16/0261](#)

Town/Parish Council: Bishops Tachbrook

Case Officer: Rob Young

01926 456535 rob.young@warwickdc.gov.uk

Land North of, Oakley Wood Road, Bishops Tachbrook

Development of up to 150 dwellings, school drop off, open space, landscaping, sustainable drainage systems, access, footpaths and associated infrastructure.

FOR Bloor Homes Limited

INTRODUCTION

This report relates to the above planning permission that was granted by Planning Committee in August 2014. The permission was subject to a Section 106 Agreement that imposed a wide range of obligations on the developer. This included a requirement for 40% affordable housing. The applicant has requested that the provisions of the Section 106 agreement in relation to affordable housing are varied.

RECOMMENDATION

Planning Committee are recommended to resolve to vary the Section 106 agreement to allow changes to the affordable housing provision as requested by the applicant.

DETAILS OF THE VARIATION

The applicant has requested that the following changes be made to the affordable housing provisions of the Section 106 Agreement:

- the rental cap associated with the affordable rented units to be revised up from 70% to 80% of open market rents;
- alterations to the standards for the affordable housing units to require that they are constructed to comply with (i) building regulations; (ii) minimum scores for unit size (41), unit layout (32), and unit noise (22) under DQS 2007; (iii) minimum storage requirements under HQI 2007; and (iv) 8 out of 12 building for life score.

RELEVANT POLICIES

- National Planning Policy Framework
- SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)
- SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
- Affordable Housing (Supplementary Planning Document - January 2008)

- H2 – Affordable Housing (Warwick District Local Plan 2011-2029 Publication Draft - published April 2014)

ASSESSMENT

The main issue relevant to the consideration of this matter is whether the amended proposals would provide an adequate amount and type of affordable housing, having regard to the Council's policies and national planning guidance.

The Government's decision to reduce social rents over the four years from 2016-2017 has affected the provision of affordable housing under existing Section 106 Agreements. In these circumstances, the Government have made it clear that local planning authorities should respond "constructively, rapidly and positively" to requests for existing Section 106 Agreements to be renegotiated (letter from Brandon Lewis MP to Local Authorities dated 9 November 2015). Where it is simply proposed that the tenure mix is adjusted, with the overall affordable housing contribution remaining the same, the Minister's letter states that it is unlikely to justify reopening viability by either side.

In the context of this Government advice, the amendments requested by the developer in this case are relatively minor. The overall amount of affordable housing would remain unchanged (40%) as would the tenure split (60% social rented, 25% affordable rented and 15% shared ownership). There has been no objection from the Council's Housing Strategy team and therefore, in view of current government policy, there are no grounds for refusing to increase the affordable rent levels as requested.

Turning to the second aspect of the amendment, the proposed changes to the standards for the affordable housing units would not affect compliance with the Council's affordable housing policies. The revised standards would meet the requirements of the Council's policies. Therefore this change would also be acceptable.

SUMMARY / CONCLUSION

The proposed changes to the affordable housing provisions of the Section 106 Agreement are considered to be in accordance with the Council's policies, when considered in the context of the most recent Government advice. Therefore it is recommended that the Section 106 Agreement is amended as requested.

Planning Committee: 29 March 2016

Item Number: 6

Application No: [W 15 / 1611](#)

Town/Parish Council: Leamington Spa

Case Officer:

Rob Young

01926 456535 rob.young@warwickdc.gov.uk

Registration Date: 15/01/16

Expiry Date: 11/03/16

Villiers House, Clarendon Avenue, Leamington Spa

Retention of roof plant and installation of screening. FOR Spitfire Properties LLP

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

RECOMMENDATION

Planning Committee are recommended to GRANT planning permission, subject to conditions.

DETAILS OF THE DEVELOPMENT

The application proposes the retention of air handling plant that has been installed on the roof of the building. This is a retrospective application. The application proposes to paint the plant dark grey to match the colour of the roof and to install additional panels to give the plant the appearance of a section of roof.

THE SITE AND ITS LOCATION

The application relates to a four/five storey building situated on the southern side of Clarendon Avenue. The property was formerly used as offices but has recently been converted into apartments. The application property occupies a prominent corner position at the junction of Clarendon Avenue with Guy Street. The front elevation of the building faces Clarendon Avenue, while the side elevation faces Guy Street.

The application site is situated on the edge of the commercial core of Leamington Town Centre, with predominantly commercial development to the south in Guy Street and residential properties to the west on Parade and to the east in Clarendon Avenue. The site is situated within the Royal Leamington Spa Conservation Area and adjacent to a number of listed buildings.

PLANNING HISTORY

In October 2013 an application for prior approval was submitted under the Town and Country Planning (General Permitted Development) Order 1995 (as amended) for a conversion to 44 apartments (Ref. W/13/1400). In November

2013 it was decided that prior approval was not required, based on the details that were submitted with the notification.

In January 2014 a revised application for prior approval was submitted for a conversion to 40 apartments (Ref. W14/0027). In March 2014 it was decided that prior approval was not required, based on the details that were submitted with the notification.

In February 2014 planning permission was granted for "Installation of replacement windows; erection of 2 no. garden room extensions at roof level; formation of 2 no. recessed balconies within existing rear roofslope; construction of replacement roof over lift shaft; installation of rooflights; installation of glass guarding to roof terraces and balconies; and redecoration of external render" (Ref. W13/1743).

In July 2014 planning permission was granted for "Alterations to window transoms and mullions and installation of an additional dormer window (amendment to planning permission no. W13/1743)" (Ref. W14/0851).

Prior to the above notifications and applications there had been a number of previous planning applications relating to the application site but none of these are relevant to the consideration of the current proposals.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

- Residential Design Guide (Supplementary Planning Guidance - April 2008)

SUMMARY OF REPRESENTATIONS

Town Council: No objection.

Public response: 4 objections have been received, raising the following concerns:

- this is an unsightly addition to the roofline that is prominent in views from a key approach into the town (Kenilworth Road);
- harm to the character and appearance of the conservation area;
- harm to the setting of adjacent listed buildings;
- no such equipment has been installed on the roofs of other nearby buildings;
- the application does not include all of the alterations that have been made to the roof, including railings, further plant, bird netting and the retention of the pyramidal roof above the lift shaft;
- the plans and other information that has been submitted by the applicant are ambiguous, conflicting and misleading;
- important information is missing from the application; and
- the applicant should have known what plant was required before they submitted the original application for the development.

Leamington Society: Object. This is a prominent building and the details of screening are not sufficient to show exactly what is proposed to ameliorate the intrusive impact of the roofscape. The applicant should have known what plant was required before they submitted the original application for the development.

WDC Environmental Health: No objection, subject to a condition to limit noise levels.

ASSESSMENT

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

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

Impact on the living condition of neighbouring dwellings

The plant is situated far enough away to ensure that it has not had an overbearing impact on the outlook from the windows to any neighbouring dwellings. Similarly it does not have any implications in terms of loss of light for neighbours. With regard to noise, there has been no objection from Environmental Health, subject to a condition to limit noise levels. Therefore it has been concluded that the proposals have had an acceptable impact on the living conditions of neighbouring dwellings.

Impact on the character and appearance of the conservation area

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty when exercising planning functions to pay special attention to the desirability of preserving or enhancing the character of a conservation area. Section 66 of the same Act 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.

Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

The site occupies a prominent position within the conservation area, at one of the main gateways into the town centre and alongside a number of listed buildings. The plant that has been installed is a substantial feature that is visible from some distance along Kenilworth Road to the north and from the Guy Street and the Chandos Street car park to the south-east. The plant is utilitarian in appearance, having a bare metal finish and a shape that is at odds with the traditional pitched roof of the building. However, it is important to note that there was plant in this position associated with the former office use, although this was smaller. This former plant included air handling equipment as well as railings and bird netting. Nevertheless, with its larger size and bare metal finish the replacement plant that has been installed looks more stark and incongruous than the previous plant.

The first consideration is whether the plant could be installed in a more discrete location on site. In this regard the applicant advises that this is the only feasible position for the plant because it sits above the common riser shaft for air supply and extract in the centre of the building. Hence the location of the previous plant in this same position. It is therefore accepted that realistically there is no alternative position for the plant.

The applicant has proposed alterations to mitigate the visual impact of the plant that has been installed. This includes painting it dark grey to match the colour of the roof. It is also proposed that panels will be added to the plant to give it the appearance of a section of roof when viewed from the nearest public vantage points. In considering the effectiveness of this, it is important to bear in mind that the nearest public views of the plant are from some distance away on Kenilworth Road / Christchurch Gardens and from Guy Street / Chandos Street car park (due to its location high up on the roof of a tall building). From this distance the modifications would effectively give the plant the appearance of an

additional section of roof. On a building of this size, with a variety of pitched roofs, dormer windows, gables and a pyramidal lift shaft, this additional feature would not appear so out of place as to cause material harm to the character and appearance of the conservation area.

For the above reasons, subject to the implementation of the proposed mitigation measures, it has been concluded that the proposals would preserve the character and appearance of the conservation area. For the same reasons it has been concluded that the proposals would not harm the setting of nearby listed buildings.

Other matters

An objector has raised concerns about the retention of the pyramidal roof to the lift shaft, which was shown to be removed on an earlier planning application. This does not form part of the current planning application. In any case, as there was no condition on the earlier permission requiring it to be removed, the retention of this feature does not represent a breach of planning control. There are no planning grounds to require its removal.

An objector has raised concerns about the application not including other alterations that have been made to the roof. However, the Council can only deal with the application has submitted by the applicant. The other matters will be dealt with separately by the Council's Planning Enforcement Team. In any case, it is important to bear in mind that various plant, railings and bird netting was already in place on the roof of the building prior to the commencement of the current development.

Summary/Conclusion

The proposals would have an acceptable impact on the living conditions of neighbouring dwellings and on the character and appearance of the conservation area and the setting of nearby listed buildings. Therefore it is recommended that planning permission is granted.

CONDITIONS

- 1 Within 1 month of the permission hereby granted, the plant shall be modified in strict accordance with drawing nos. M307, 2624-30, 2624-31, 2624-32 & 2624-33 and the whole of the exterior of the plant shall be painted a colour to match that of the roof of the building. The plant shall be maintained in accordance with these drawings and the requirements of this condition at all times thereafter. **REASON** : To protect the character and appearance of the conservation area, in accordance with Policy DAP8 of the Warwick District Local Plan.
- 2 Noise arising from any plant or equipment, when measured one metre from the façade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB(A) (measured as LAeq(5 minutes)). If the noise in question involves sounds containing a

distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **REASON:** To protect the amenities of occupants of nearby properties in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.







Planning Committee: 29 April 2016

Item Number: **7**

Application No: [W 15 / 2035](#)

Registration Date: 19/01/16

Town/Parish Council: Leamington Spa

Expiry Date: 15/03/16

Case Officer: Helena Obremski

01926 456531 Helena.Obremski@warwickdc.gov.uk

10 Claremont Road, Leamington Spa, CV31 3EH

Erection of 2no. single storey side extensions and 1no. single storey rear extension garden room after demolition of existing single storey side extensions
FOR Mr SINGH

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

RECOMMENDATION

Planning Committee are recommended to grant planning permission, subject to conditions.

DETAILS OF THE DEVELOPMENT

Proposed erection of two single storey side extensions and a single storey rear extension. The scheme originally proposed two two-storey side extensions and a single storey rear extension. The proposal has been amended and significantly reduced in scale following concerns which were raised by the Conservation Officer, the Town Council and local residents in relation to the detrimental impact which the original design would have on the character of the original property, street scene and Conservation Area.

THE SITE AND ITS LOCATION

The application property is a two storey, traditional detached villa, positioned to the south of Claremont Road and is located within the Royal Leamington Spa Conservation Area. The south side of Claremont Road benefits from a row of similarly designed detached villas, all within wide, spacious plots characterise this part of the Conservation Area. Some of the villas have been extended to the side and to the rear with single and two storey extensions.

PLANNING HISTORY

There is no relevant planning history relating to this site.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

- The 45 Degree Guideline (Supplementary Planning Guidance)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Vehicle Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: Objection. The Town Council agrees with the Conservation Officer's comments that the proposed extension is too large, will dominate and spoil the distinctive appearance of neighbouring properties in that part of the Conservation Area.

WCC Ecology: No objection. Recommends notes relating to bats and nesting birds as protected species.

Public Response:

15 objections have been received on grounds of:

- Harm to the character of the original dwelling, to the established street scene and the Conservation Area;
- Concern regarding the loss of green space to the front and rear amenity area, which could result in a reduction in habitats for wildlife, and could have implications for surface water run-off;

- Concern regarding adequate parking provision, with the potential to exacerbate on street parking congestion;
- Concern regarding the construction of the proposed development, storage and disposal of materials in the front amenity space as a health risk;
- Concern regarding the proposed use of the dwelling as a House in Multiple Occupation or flats;
- Concern regarding the precedent which the proposed development could set if approved;

3 letters of support have been received on the basis that there would be no impact on neighbours. Request that matching materials are used and that any first floor side facing windows should be obscure glazed.

1 letter of stating no objection has also been received.

Assessment

The main issues in the consideration of this application are:

Design and the impact on the character and appearance of the Conservation Area

Impact on the living conditions of the occupiers of the occupiers of neighbouring properties

Parking

Renewables/ CO²

Ecology

Design and the impact on the character and appearance of the Conservation Area

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

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

Warwick District adopted Local Plan Policy DAP8 requires development to preserve or enhance the special architectural and historic interest and appearance of Conservation Areas. It goes on to state that development should respect the setting of Conservation Areas and should not impact on important views or groups of buildings from inside and outside of the boundary. Emerging Local Plan policy HE2 requires that new development within the Conservation Area should make a positive contribution to the local character and distinctiveness of the Conservation Area. Current Local Plan Policy DAP9 relating to unlisted buildings in Conservation Areas reiterates this by stipulating that

alterations and extensions should be refused where they adversely affect the character, appearance or setting of a Conservation Area.

The Town Council and 15 members of the public objected to the original proposal for the 2 two storey side extensions on grounds that they would dominate the original dwelling, significantly alter its character and appear as an incongruous feature within the street scene. This view was also shared by the Conservation Officer.

Following negotiations with the agent, the proposal has been amended to reduce the 2 two storey side extensions down to single storey with a considerable reduction in bulk.

As amended, the proposed design is considered to sit comfortably as a subservient addition on the property and the original dwelling remains clearly legible. The proposal will not significantly alter the character or scale of the original dwelling. Other similarly designed properties within the street scene benefit from single and two storey extensions and therefore the proposed development would not appear inappropriate within the wider street scene. The Conservation Officer is happy with the amended scheme which is also considered to overcome the Town Council's objection.

The proposed development will be constructed from matching materials to those of the original dwelling which are considered to be appropriate.

The proposed extensions as amended are considered to be subservient to the main dwelling and would not be harmful to the established character of the street scene. The development is considered to be in accordance with the NPPF, Local Plan policies and the Council's adopted Residential Design Guide SPG.

Impact on Neighbouring Residential Amenity

Warwick District adopted Local Plan Policy DP2 and emerging Local Plan Policy BE3 require all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a responsibility for development not to cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion. The Residential Design Guide SPG provides a framework for Policies DP2 and BE3, which stipulate the minimum requirements for distance separation between properties and that extensions should not breach a 45 degree line taken from a window of nearest front or rear facing habitable room of a neighbouring property.

Number 12 is positioned to the eastern boundary of the application site and is of a similarly designed architectural narrative. This property is set on a slightly lower ground level, however, there would be no conflict with the 45 degree line as a result of the proposed development.

Number 8 is positioned to the western boundary of the application site and has been converted into a block of flats. Owing to the nature of the wide plots and the distance between the properties, there would be no conflict with the 45

degree line as a result of the proposed development from the proposed side or rear extensions.

Therefore, it is considered that the proposed extensions would not result in material harm to living conditions that would warrant reason for refusal and the proposal complies with Local Plan policies DP2 and BE3 and the Residential Design Guide SPG.

Parking

15 public objections have been received, some of which raise concern regarding the number of resulting number of bedrooms following the erection of the proposed development and inadequate parking provision. However, the proposal accords with the Council's adopted Vehicle Parking Standards SPD and is therefore considered to be acceptable.

Energy Efficiency/CO₂

The agent has provided a Sustainable Buildings Report detailing that solar panels will be used in order to meet Policy DP13. However, as no drawings have been provided showing the location of the proposed solar panels and the report states that the applicants may wish to use a fabric first approach towards construction methods in order to meet the Council's requirements, it is considered that a condition requiring further details would be necessary.

Ecology

Council Ecology have been consulted regarding this application and assessed the bat survey which was submitted by the agent. Originally they recommended a condition requiring a further bat survey. However, as the proposed development no longer affects the main part of the roof and there appears to be little potential for bats in the single storey extensions to be demolished, they consider that a precautionary bat note is sufficient. A nesting bird note is also required.

Some of the 15 public objections include concern regarding the loss of the green space to the front and rear amenity areas, which could result in a loss of habitats for wildlife. As the applicants can lay down an area of hardstanding to the front amenity space without requiring planning permission (subject to the use of porous materials or drainage systems) and as County Ecology have not raised concern regarding the loss of the green space, the proposal is considered to be acceptable and will not result in material harm to protected species.

No amendments to the driveway have been sought under this application, however, for clarity a note will be added to the application advising that planning permission is required to lay hard standing which is not porous materials or drains to a porous area.

Other Matters

Some of the public objections received raise other matters:

- The construction of the proposed development, storage and disposal of materials in the front amenity space as a health risk: This is not considered to be a material planning consideration and would be dealt with under separate legislation.
- The dwelling potentially to be used as a House in Multiple Occupation or flats: Planning permission would be required to convert the property to a HMO or multiple flats and if such an application was received it would be assessed on its merits.
- Comments that the windows have been changed from traditional timber frames to white uPVC frames and that the external chimneys have been removed without planning permission: The windows in the existing property have been amended from white painted sash window frames to white uPVC window frames under permitted development.

Conclusion

The proposal, as amended, is considered to comply with the relevant Local Plan policies and the NPPF.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 004 Revision B and 006 Revision D submitted on 8th March 2016 and 007 Revision C submitted on 1st March 2016, and specification contained therein. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 The development hereby permitted shall not commence unless and until large scale details of the parapet to the front elevation (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 full accordance with such approved details. **REASON:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.
- 4 The development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO² emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the

Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

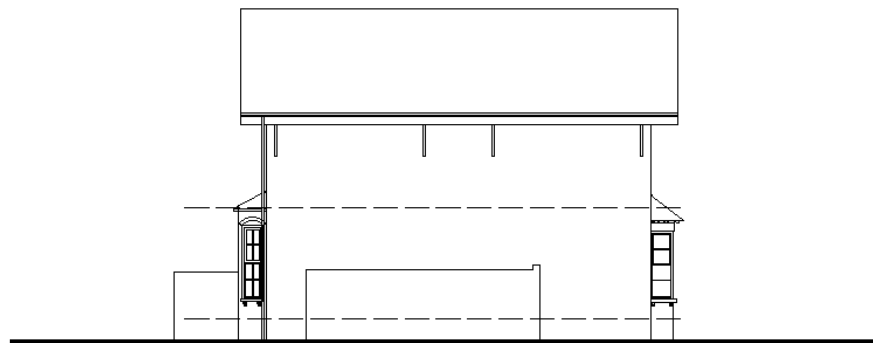
REASON: To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

- 5 If an air source heat pump is chosen as the method to comply with the requirement for renewable energy, noise arising from the air source heat pump(s) permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **REASON:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.
- 6 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 DP1 of the Warwick District Local Plan 1996-2011.

These drawings are prepared for the use of the client and are not to be used for any other purpose without the written consent of Cullen Associates.



FRONT ELEVATION



SIDE ELEVATION TO No 12

Client
SHAN SINGH

Address
**10 CLAREMONT ROAD
LEAMINGTON SPA**

Drawing Title
EXISTING ELEVATIONS 02

Drawn	Checked	Approved	Date	Rev
VC	W	AS	1.5.00	12.10.15
150416		009		

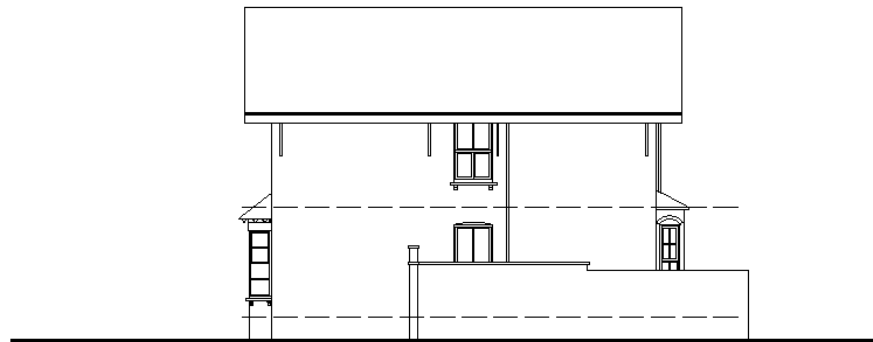
Cullen Associates.
ARCHITECTURAL SERVICES AND INTERIORS

Horizon, Rugby Road, Wuxton under Medbourne
Warwickshire, CV35 9JF
tel 07585 995 505 www.cullen-associates.co.uk

All measurements are to the face of the work unless otherwise stated.
 All dimensions are in millimetres unless otherwise stated.
 All dimensions are to the face of the work unless otherwise stated.

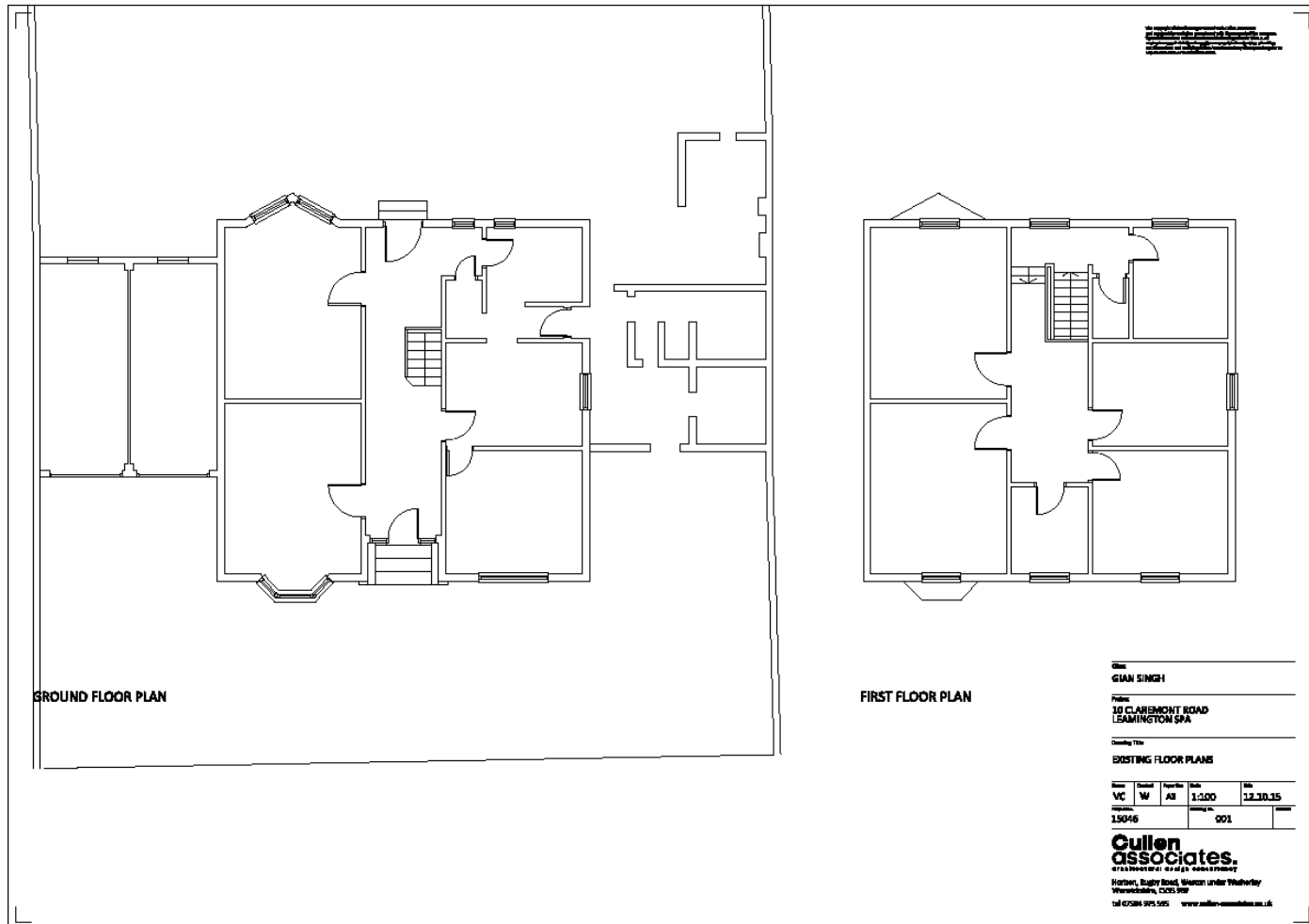


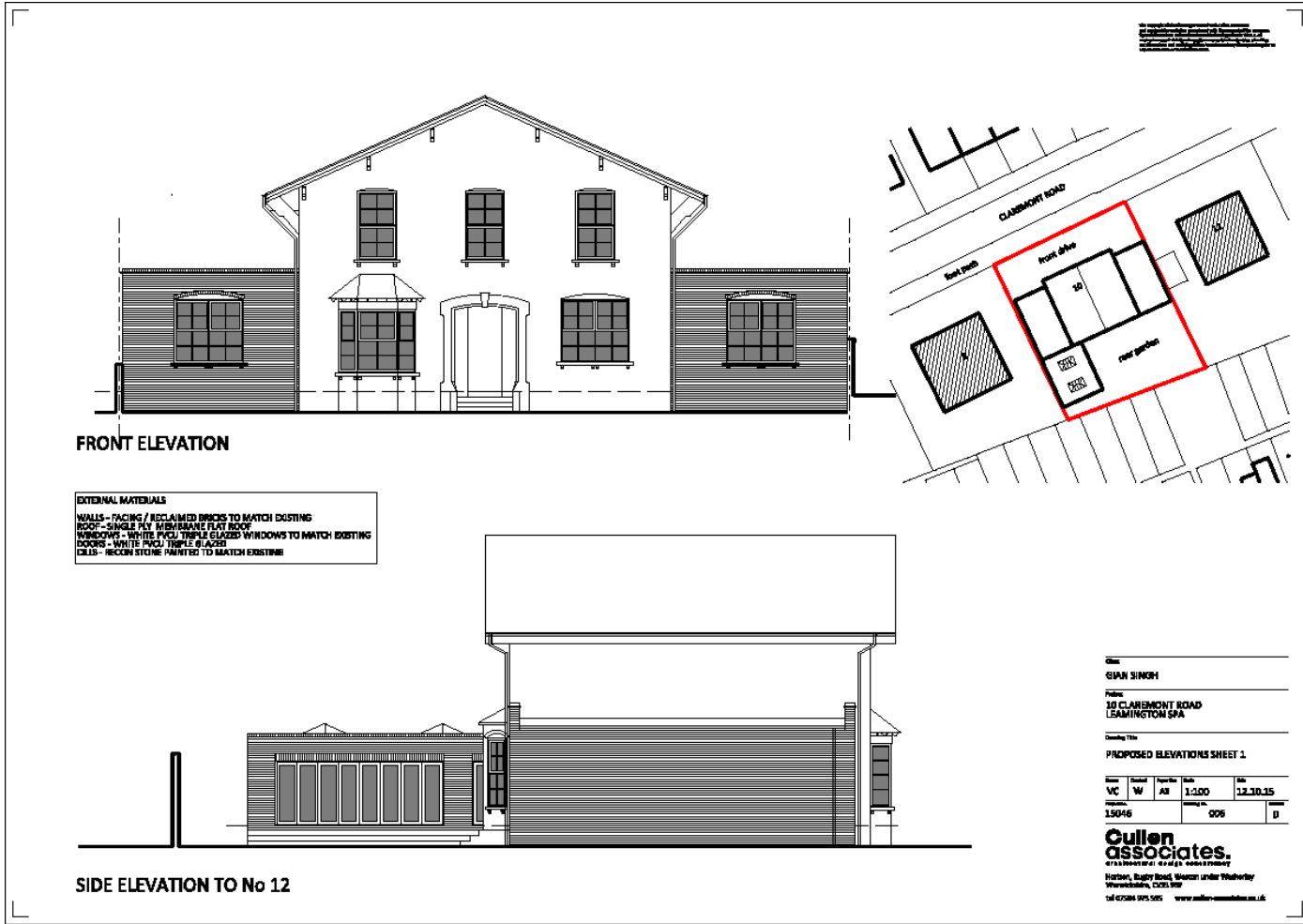
REAR ELEVATION

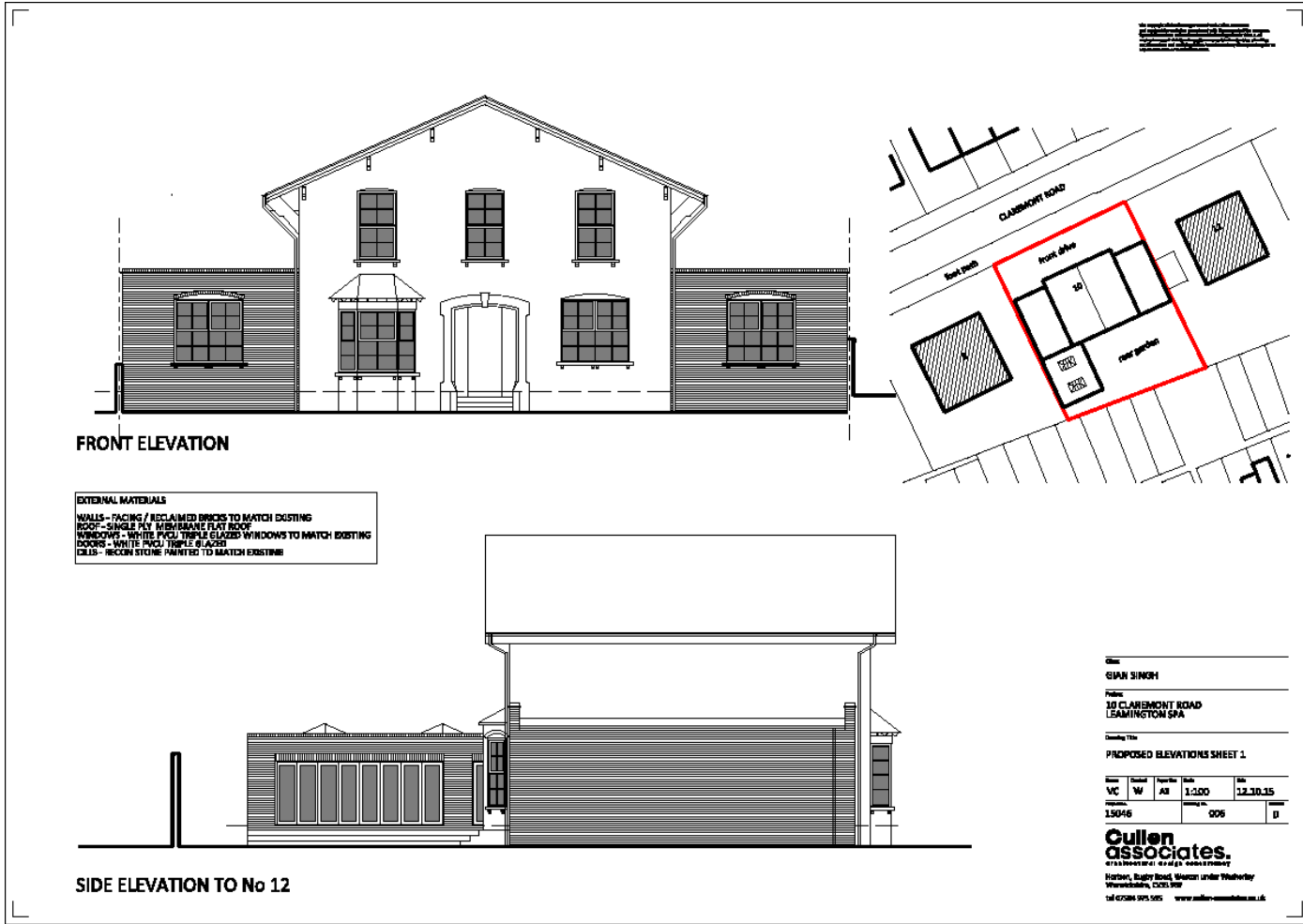


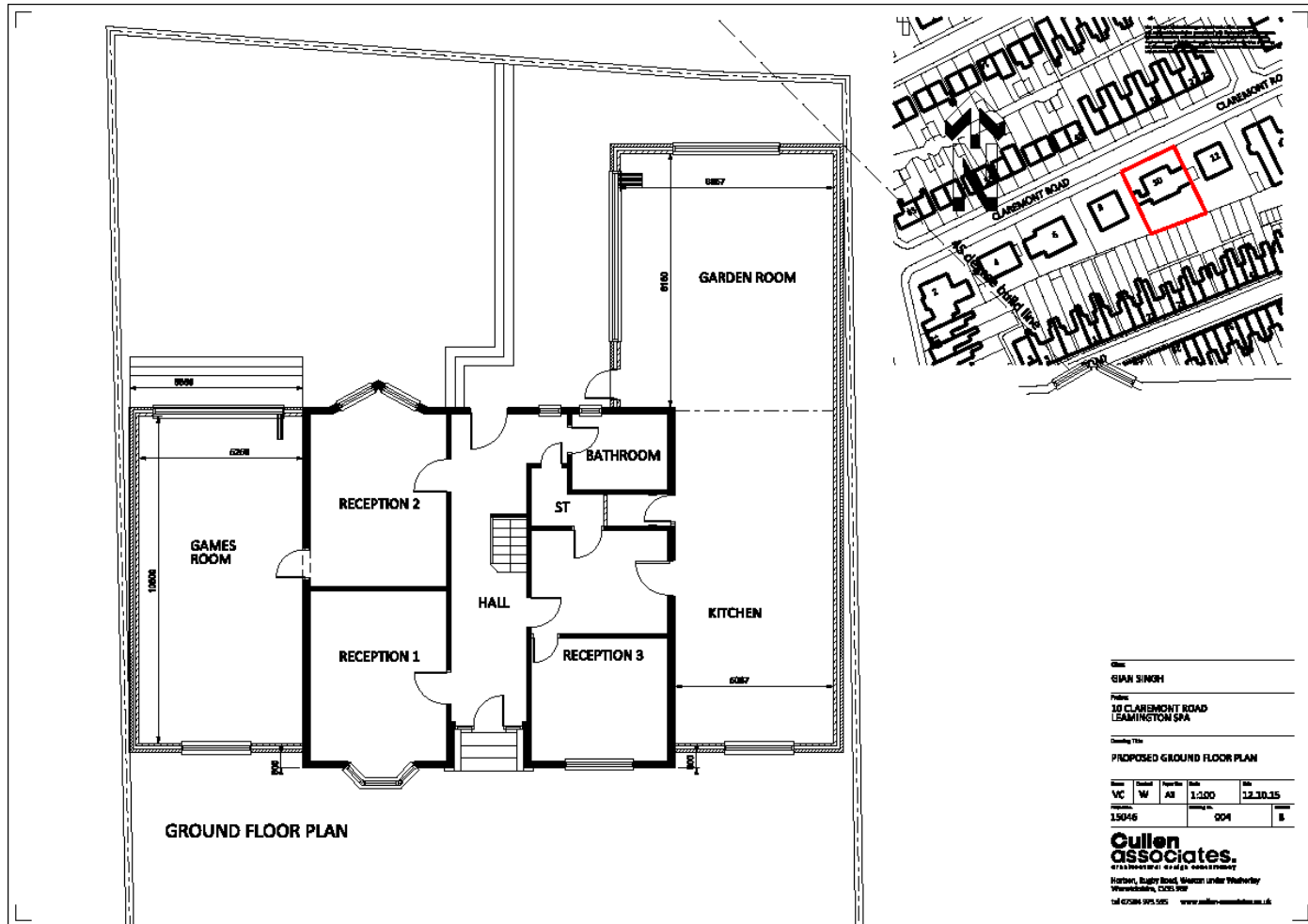
SIDE ELEVATION TO No 8

Client
GIAN SINGH
 Address
**10 CLAREMONT ROAD
 LEAMINGTON SPA**
 Drawing Title
EXISTING ELEVATIONS 01
 Scale
 VC W A1 1:200
 Date
 12.10.15
 Drawing No.
 002
Cullen Associates.
 ARCHITECTURAL & DESIGN CONSULTANTS
 Horizon, Rugby Road, Worcester under Waterley
 Warwickshire, CV35 9RF
 Tel 07584 595 595 www.cullen-associates.co.uk









Planning Committee: 29 March 2016

Item Number: **8**

Application No: [W/15/2130](#)

Town/Parish Council: Leamington Spa

Registration Date: 21/12/15

Case Officer:

Jo Hogarth

Expiry Date: 21/03/16

01926 456534 jo.hogarth@warwickdc.gov.uk

Warwickshire College, Warwick New Road, Leamington Spa, CV32 5JE

Erection of 3 storey student halls of residence comprising of 98no. bedrooms divided into 12no. cluster flats, warden's accommodation and a shared laundry facility. Formation of new car park. FOR Warwickshire College & Deeley Properties (joint name)

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

RECOMMENDATION

Planning Committee are recommended to grant planning permission for this development, subject to the conditions listed.

DETAILS OF THE DEVELOPMENT

The proposal seeks to construct a three storey student halls of residence comprising of 98 bedrooms with ensuite facilities, kitchen and dining facilities, communal laundry as well as a warden's flat on the ground floor. The bedrooms are divided into 12 cluster flats with each block being accessed via a communal staircase with a disabled platform lift within each core. The building is to be sited on an existing car park in the north-east corner of the site and measures 68 metres in length with an overall height of 11 metres. There is a two storey element at the centre of the building which measures 5.8 metres in height. A new bin store is to be provided adjacent to the existing one which was approved as part of the 2007 application. Additional cycle racks are also to be provided. The proposed development is sited on an existing car parking area and 60 spaces will be lost as a result. However, to offset this, it is proposed to provide 80 new spaces on a landscaped area of the campus to the west of the existing access road leading into the site.

THE SITE AND ITS LOCATION

The application site relates to an established student college campus with existing halls of residence on site. The site is located adjacent to the Royal Leamington Spa Conservation Area and is accessed off Warwick New Road. There are also existing car parking areas within the confines of the site.

PLANNING HISTORY

There have been several applications submitted for this site. The most relevant is the 94 bed halls of residence which was granted planning permission in 2007 (ref: W/07/1673). This development included 34 parking spaces and warden's accommodation. The development was completed in 2009.

RELEVANT POLICIES

- The Current Local Plan
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- The Emerging Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- Guidance Documents
- H6 - Houses in Multiple Occupation and Student Accommodation (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Vehicle Parking Standards (Supplementary Planning Document)
- Open Space (Supplementary Planning Document - June 2009)
- Distance Separation (Supplementary Planning Guidance)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: No objection.

Tree Officer: The trees have significant amenity value (a mixed species, uneven aged shelter belt). They are very visible from both within the site and more importantly the public highway. No objection to the proposed development with regard to the impact on any significant trees as the Arboricultural Consultant has

produced a well-argued and clear report with appropriate tree protection measures which should be adopted and implemented for the duration of the development.

WDC Environmental Health: No objection.

WCC Highways: No objection.

WCC Ecology: No objection, subject to conditions on protection of trees, bird boxes and timetable of works together with notes on bats, hedgehogs, amphibians and lighting.

Warwickshire Police: No objection. Recommend 'Secured by Design building principles.

Contract Services (refuse): No objection

Public Response: 9 letters of objection have been received on the following grounds: The development will result in additional parking pressure and congestion; noise nuisance late at night and building works take place at all times and the removal of the grassed area will increase this as it currently acts as a buffer.

ASSESSMENT

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

- The principle of development
- The impact on neighbours
- The impact on the streetscene
- Whether the proposal will provide adequate living conditions for future occupiers of the development
- Highway safety and car parking
- Renewable energy/ CO²
- Public open space
- Ecology / impact on trees
- Health and Wellbeing

The principle of the development

Policy H6 'Houses in Multiple Occupation and Student Accommodation' in the emerging Local Plan sets out the circumstances in which this type of development will be acceptable, including where it would result in no more than a 10% concentration of such accommodation within a 100m radius. However, the policy specifically lists the campus of Warwickshire College as an exception to these requirements. The proposed development is therefore considered to be acceptable in principle.

The impact on neighbours

The new accommodation block is to be sited in excess of 120 metres from the boundary with properties in Copps Road and 60 metres from the villas in

Warwick New Road. The objection to the loss of the green space area which is considered to provide some buffer from noise from the college is noted, however, the proposal includes the provision of some new planting and landscaping which could be suitably conditioned. Furthermore, the existing trees along Warwick New Road would act as a buffer to properties across the road which is considered to be adequate, particularly given the distance involved. The objections received in relation to building works taking place early in the morning and at weekends are noted and Environmental Health are aware of this and are in discussions with the college. With regards to an increase in parking pressure, the site is within walking distance of the town centre and the loss of the existing car park is compensated by the provision of a new parking area within the site. Furthermore, this section of Warwick New Road has double yellow lines and so parking is restricted in any case. It is considered that a refusal on parking grounds or noise in relation to building works could not be sustained and therefore the proposal is considered to meet the objectives of Policy DP2 in the Local Plan.

The impact on the streetscene

It is recognised that there would be views into the site from Warwick New Road, however, this boundary is well screened through mature trees and vegetation. The siting of the new accommodation block would run parallel with Warwick New Road and would sit adjacent to the existing accommodation block. The building site levels are lower than the footpath which adjoins Warwick New Road which would assist in ensuring a more subservient form of development. The design would replicate that which is currently on site and in terms of impact on the character and visual appearance of the streetscene and adjacent Conservation Area from which there would be views, the proposal would not appear out of character and would not result in material harm. The materials proposed comprise of a modern palette and incorporate a pale render finish with an accented render at high level with an exposed brickwork base. These would reflect the halls which are already on site which too have render, weatherboarding and aluminium windows. These materials are considered to be acceptable in this location and would complement the modern buildings which are on site. The proposal is considered to be acceptable in the streetscene and would meet Policy DP1 of the Local Plan.

The impact on the occupiers of the development

The windows on the proposed building which are located closest to the existing accommodation block have been designed to incorporate angled privacy screens in order to direct views away from the existing accommodation to ensure adequate levels of outlook and privacy are maintained. The remainder of the windows on the new block, due to the distance and angled relationship between the proposed development and the existing accommodation block, are considered acceptable and would achieve a distance separation of 27 metres, in accordance with the Council's Distance Separation SPG. The proposal is therefore considered to accord with Policy DP2.

Highway safety and car parking

The Highway Authority have raised no objection to the proposal in relation to access as the new development would utilise the existing access onto Warwick New Road. With regards to the loss of part of the existing car park to accommodate the new building, the 60 existing spaces are to be transferred to an existing landscaped area within the site, with an additional 20 spaces provided for the proposed accommodation on the basis of one space for every five rooms which is consistent with the approach taken with managed student halls of residence. The proposal is therefore considered to accord with Policy DP8 of the Local Plan.

Renewable Energy

As part of the application, details of a fabric first approach to the building methods have been submitted and it has been demonstrated that there would be at least a 10% reduction in CO² over and above current Building Regulations. The proposal is therefore considered to meet the objectives of Policy DP13 of the Local Plan and the associated Supplementary Planning Document. This can be secured by condition.

Public open space

No public open space is provided as part of the proposals. It is therefore considered appropriate in this instance to attach a condition requiring financial contributions towards the enhancement of existing public open space in accordance with Policy SC13 and the associated Supplementary Planning Document on Open Space.

Ecological impact and trees

The Arboricultural Report submitted with the application has been appraised by the Council's Arboricultural Consultant and it is considered that the protection measures detailed are acceptable. With regards to ecology, subject to conditions and notes, the proposal would not result in unacceptable harm to protected species or result in adverse damage to the trees. The proposal is therefore considered to accord with Policy DP3.

Health and Wellbeing

The proposal would give rise to health and wellbeing benefits as it would increase the flexibility for students who wish to live on the campus.

Other matters

The applicant has confirmed in their Design and Access Statement that the development will achieve 'Secure By Design' principles as recommended by Warwickshire Police.

Sustainable drainage systems are proposed which would incorporate the enlargement of an existing underground attenuation tank together with a new

underground attenuation tank to accommodate surface run-off from the car park.

SUMMARY/CONCLUSION

The application is considered to be acceptable and would accord with the policies listed.

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 numbers 3281-102 Rev A, 3281-103 Rev A and 3281-100 Rev B and specification contained therein, submitted on 11 March 2016. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 No part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the District Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837:2012, Trees in Relation to design, demolition and construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place without the prior consent in writing of the District Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **REASON:** To protect trees and other features on site during construction and to meet the objectives of Policy DAP3 in the Warwick District Local Plan 1996-2011.
- 4 No part of the development hereby permitted shall be commenced until a scheme for the provision of bat and bird boxes to be erected on trees/buildings within the site, has been submitted to and approved in writing by the District Planning Authority. The scheme to include details of box type, location and timing of works. Thereafter, the boxes shall be installed and maintained in perpetuity. **REASON:** In accordance with NPPF, ODPM Circular 2005/06 and to meet the objectives of Policy DAP3 in the Warwick District Local Plan 1996-2011.
- 5 Unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance

with Policy SC13 of the Warwick District Local Plan 1996-2011:

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

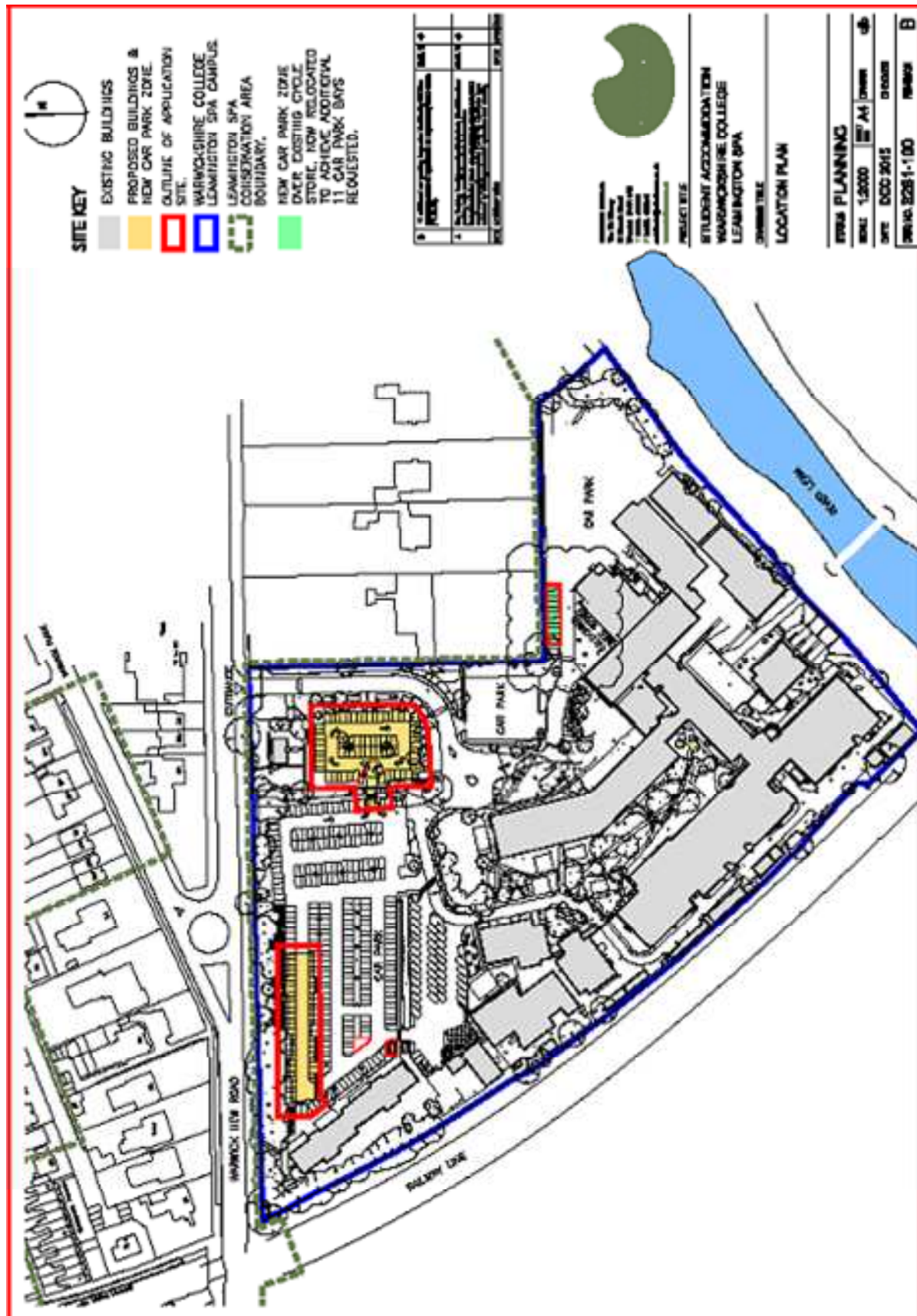
(ii) the dwellings hereby permitted shall not be occupied until the scheme so approved has been implemented.

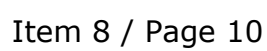
REASON: To ensure the necessary infrastructure and facilities are provided in accordance with Policy SC13 of the Warwick District Plan 1996 – 2011.

- 6 No development shall commence on site until details of a landscaping scheme have been submitted and approved in writing by the Local Planning Authority. Such approved scheme shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted, and any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees of similar size and species to those originally required to be planted.
REASON: To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.
- 7 The development hereby permitted shall not be first occupied unless and until the renewable energy/fabric first scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturer's specifications. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.
- 8 The development hereby permitted shall either:
a.) Be timetabled and carried out to avoid the bird breeding season (March to September inclusive) to prevent possible disturbance to nesting birds.
b.) Not commence until a qualified ecologist has been appointed by the applicant to inspect the vegetation/trees/shrubs to be cleared on site for evidence of nesting birds immediately prior to works. If evidence of nesting birds is found works may not proceed in that area until outside of the nesting bird season (March to September inclusive) or until after the young have fledged, as advised by ecologist. Birds can nest in many places including buildings, trees, shrubs, dense ivy, and bramble/rose scrub. Nesting birds are protected under the 1981 Wildlife and Countryside Act. **REASON:** To ensure that protected species are not harmed by the development and to meet the objectives of Policy DAP3

in the Warwick District Local Plan 1996-2011.

- 9 The development hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **REASON:** To ensure that a satisfactory provision of off-street car parking and turning facilities are maintained at all times in the interests of the free flow of traffic and highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011.
- 10 The cycle provision shown on the approved plans shall be completed before the development hereby permitted is first occupied and thereafter, kept free of obstruction and available for the parking of cycles associated with the development. **REASON:** To ensure that there is adequate cycle parking facilities to serve the development, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011.
- 11 No external lighting or sound amplification or tannoy system shall be installed on any external wall or roof of any building or within the open land comprised in the application site other than in accordance with details first submitted to and approved in writing by the District Planning Authority. **REASON:** To protect the amenity of the occupiers of nearby properties, and to satisfy the requirements of Policy DP9 of the Warwick District Local Plan 1996-2011.
- 12 The bin stores shown on the approved plans shall be completed before the development hereby permitted is first occupied and thereafter, kept free of obstruction and available for refuse associated with the development. **REASON:** To ensure that there are adequate cycle parking facilities to serve the development, in accordance with the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.







Planning Committee: 29 March 2016

Item Number: 9

Application No: [W 16 / 0018](#)

Registration Date: 08/01/16

Expiry Date: 04/03/16

Town/Parish Council: Kenilworth

Case Officer:

Liam D'Onofrio

01926 456527 liam.donofrio@warwickdc.gov.uk

1 Castle Hill, Kenilworth, CV8 1NB

Conversion of existing house into 2 apartments. FOR Turlington (International) Ltd

This application is being presented to Planning Committee due to the amount of local support for the application and it is recommended for refusal.

RECOMMENDATION

Members are recommended to refuse planning permission.

DETAILS OF THE DEVELOPMENT

Planning permission is sought for the proposed conversion of the single dwellinghouse into two apartments, with associated alterations, to be achieved through horizontal sub-division of the property.

The applicant's supporting Design and Access Statement states that "*The rationale behind the proposal is that the existing house is large and was designed for an extended family of occupants and their resident servants. It has been established, by consideration of the appeal decisions in 2012 and the Inspector's comments, that the house could easily be divided into two separate apartments using minimalist intervention policies, and causing no demonstrable harm to the Listed Building or the Conservation area setting. For a long period of its life the occupants of the house have not been its owners and as a consequence the property has fallen into a considerable state of disrepair. There is a Repairs and Maintenance Schedule accompanying this application, which does not include an internal schedule, as no in depth investigative report had been undertaken until recently. It is apparent that there is dry and wet rot in areas of the property. The NPPF para 130 states: 'Where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision.' It is clear that there is no evidence of any 'deliberate' neglect or damage to the property by any of its owners and this application seeks to also remedy the historic neglect that has occurred over the years by previous owners*".

The applicant proposes to:

- Divide and restore the property internally into two apartments (subject to minimal intervention).
- Restore the property externally to its original 1901 form with no structural alterations.

The submitted Design and Access Statement details how the internal sub-division of the property will be undertaken to create two apartments:

Ground Floor

The open porch is retained externally giving the simple yet effective covered way to the front door leading to the ante lobby and on to the main internal hall and main stairs. Here two doors access a W.C. from each hall. These will be carefully removed intact and reused with all the joinery and fittings. Existing joinery stored on site will provide matching skirting to line with existing. This room will then form a bathroom.

The leaded glass at high level to the existing lounge will be retained to face the hall as it exists with pyrostop glass used to the rear to form the fire barrier without loss of this feature, and be visibly intact from the hallway area for both apartments. Where the new door breaks into the hall from the lounge, an existing door will be reused and there is sufficient space for this without affecting any of the features of the room. Again the closing off of the hall from the utilitarian side will be to match the existing.

The former scheme looked to amend the kitchen significantly. This has been reduced to retain the existing internal windows and only a small area of new wall is required with an original door to form the rear access through its rear lobby.

The home office and part of bedroom 2 is in the former utility end where the parlour and pantries were. Here the spaces have no real fabric but painted brick and quarry tile floors. However, the floor will need raising in one area as it is partially low and the walls need plastering to at least give some acceptable finish. Again all joinery is to be used as stored on site by the owner.

The bathroom is in the position of the existing with a small length of internal partition being removed to allow the addition of a W.C. not currently present. The ceiling will be painted with Envirograph Paint specially formulated for listed Buildings to provide the required fire resistance. Thus all cornices and ceiling details can be safely retained.

First Floor

The main staircase affords access as exists and it is intended to provide a glazed screen across the top of the landing at the back of the balustrade with pyrostop glass and to form a new door entrance at the top. This will allow the existing feature mirror to be retained and viewed.

Changes at this level are limited and rooms are designed to be as best as possible as they stand. A new stair is proposed to be added to the location on the west side to the landing space where an original stair led to the west attic space. This is to be replica of the existing main stairs but subsidiary to it in size.

To the east end in 2012 the plaster and lath was we believe in a very poor state as were the roof timbers to the ceiling. It was with good intent (not malicious or deliberate) that this was removed and stud battens used on the internal wall face to add rigid insulation. Upon hearing this work may or may not require approval the work ceased and has stood ever since. It is proposed as this is the east/north side and being cold whilst it may not be ideal this is completed by

plasterboard in this area. It would appear pointless to remove it all to put new lath and plaster that clearly was not original for the sake of it.

In this eastern end there was a stair that went to the attic space presumably for servants. Again this was removed some 50+ years ago. It is proposed to add a simple dog leg stair to access this space to be used as perhaps a home office. It is not suitable for gallery sleeping due to distances for fire escape.

The floor under building control requires a sound insulant and it is possible to add the required insulant and joist strengthening within the floor space. The floor boards at this stage can be reused although a few will need replacement by reclaimed timbers. It can be assessed when the works are underway.

THE SITE AND ITS LOCATION

The Wantage (No. 1 Castle Hill) is a large detached house set in large gardens which fronts the south side of Castle Hill. There are two road junctions 35 metres apart on the north side of Castle Hill opposite the site – High Street and Malthouse Lane. The house and gardens (listed as a locally important park and garden) stand on a sloping site which forms the northern ridge enclosing the valley of the Finham Brook. The rear garden boundary adjoins the northern part of Abbey Field a public open space straddling both sides of the Finham Brook. Abbey Fields is also a scheduled ancient monument associated with the site of Kenilworth Abbey.

The house dates from 1901 and both the house and garden are a fine and well preserved example of an arts and crafts house which have been in single ownership since built. The house has windows in all elevations taking advantage of an outlook across gardens to the rear, side and front. The listing description makes references to the floor plan of the principal rooms around the stair hall to the west, and a service room to the east with specific external and internal detailing including the windows and chimney pieces.

The site and its surroundings are all set within the large Kenilworth Conservation Area, the focal points of which include Kenilworth Castle, Castle Hill, Abbey Fields and High Street. The Conservation Area statement for Castle Hill and Little Virginia (Area 9) describes Castle Hill and High Street as an east/west route from the castle. There is a specific reference to The Wantage as large arts and crafts house in its own grounds. It is highlighted that it is an important grade II listed building with gardens and boundary treatments which add to the character and appearance of the house.

PLANNING HISTORY

W/16/0019/LB Conversion of existing house into two apartments: Refused 03/03/16

W/11/0236 conversion of house into four apartments: Refused 07/06/12. Appeal dismissed 03/09/13.

W/11/0237/LB Works to facilitate the conversion of existing house into four apartments: Refused 06/06/12. Appeal dismissed 03/09/13.

W/11/0424 and W/11/0287LB Appeals against refusals of planning permission and listed building consent for the erection of a new dwelling and the demolition the existing garage were dismissed.

W/04/0508 & 0510LB – Planning permission refused for erection of a 2.5 storey detached dwelling and formation of access through existing boundary wall.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DAP5 - Changes of Use of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DAP7 - Restoration of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DAP11 - Protecting Historic Parks and Gardens (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE5 - Locally Listed Historic Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE6 - Archaeology (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Open Space (Supplementary Planning Document - June 2009)

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: No objection. "Members are very concerned about the continuing deterioration of this important Grade II listed house in a sensitive site and look forward to a suitable solution. Members commented that whilst they had no reason to object, they were concerned that this was a limited proposal which did not deal with the whole of the site. They remained cautious about further development. Members felt that any consideration of this property should include the whole curtilage of the house and garden, in keeping with its listing. In particular, Members commented that the scale and variety of the grounds as a spacious setting for the house have become an integral part of the identity of this heritage asset. Conditions should be applied to ensure that the gardens are conserved as such".

WCC Highways: No objection.

WCC Ecology: No objection.

WCC Archaeology: No objection, as the scheme is unlikely to have a significant archaeological impact.

CAF: The conclusions of the Planning Inspector who dismissed a recent appeal to subdivide this listed building (Appeal Ref: APP/T3725/A/12/2183667, APP/T3725/E/12/2183686, APP/T3725/A/12/2185335) were supported by CAF and it is recommended that the house and garden should not be subdivided, but should remain in their optimum use as a single family dwelling house set within a locally listed historic park and garden.

Warwickshire Gardens Trust (formerly The Garden History Society):
Objection.

- The previous Inspector's decision should be noted.
- The garden of this property is included on the LPA's Local List, indicating that it is acknowledged to have historic and aesthetic significance. Houses and gardens such as Wantage, which were influenced by the design philosophy of the Arts and Crafts movement show a strong, intimate relationship between the design of each element. It is clear that detrimental change in one part of the historic and aesthetic entity will diminish the overall significance of the heritage asset which comprises both Listed house and its consciously designed garden setting. The garden fully merits national designation on the Register of Parks and Gardens, this view has been made known to Historic England [who are currently assessing the designation of the house and gardens] and suggest it would be premature for the LPA to determine this application before the outcome of such an assessment by Historic England is known. The Wantage is a rare and intact example of a house and garden ensemble designed for a comfortably-off client with advanced aesthetic

tastes. Few examples of such ensembles designed by architects of national standing have survived in the Birmingham, Sutton Coldfield and Warwickshire area; and as such it is advised that particular sensitivity should be given to the future management and conservation of Wantage. When weighing the harm (all be it less than substantial harm) caused by the proposed division against public benefit, as required by NPPF, the scheme is seriously deficient. The optimum solution for this nationally significant site is a return to single domestic occupation. Such an outcome is not unrealistic.

Public Response:

Seven supporting e-mails have been received raising the following:

- The application makes good use of the property.
- Retaining the house as one family residence is too restrictive.
- It would be a shame to reject the application and miss the opportunity to restore the building.
- Scheme will allow people to down-size.
- Building is hardly indicative of current house sizes/multi-occupancy makes good sense.
- Based on fact property is in need of repair/no change to the exterior there is no reason why this application should not go ahead.
- Property has fallen into disrepair, largely due to delay in granting planning permission.

One objection has been received on the basis that the proposal does not overcome the Inspector's reasons for dismissing the previous appeal.

ASSESSMENT

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

- The principle of the development;
- The impact upon the character and appearance of the area/heritage asset;
- The impact upon the living conditions of nearby dwellings;
- Car parking/highway safety;
- Flood risk;
- Renewable energy;
- Ecological impact;
- Health and Wellbeing

Background

The previous scheme to convert the house into four apartments was refused and dismissed at appeal in September 2013. In the appeal decision the Inspector noted that the ambition of the design and the largely unaltered quality and consistency of its execution mark the building out as a notable example of its type and as an illustration of the type of residence favoured at the time by a comfortably-off family of advanced taste.

The Inspector considered that the proposed sub-division of the house would be inherently harmful to the integrity of the listed building. The optimum use of the building remains that for which it was originally designed, which is as a family

house. The Inspector reasoned that the vertical and horizontal division of the house (to create four apartments) would significantly affect the experience of the building by its users and the houses essential value as a coherent domestic design would be reduced. The Inspector concluded that the harm to the significance of the heritage asset would not be outweighed by public benefits (NPPF paragraph 134) and the scheme was contrary to Policies DAP4, DAP8 and DAP11.

The current scheme is less intensive with two apartments proposed, however the scheme must overcome the previous refusal reasons and Inspector's decision, which is a material consideration.

The Principle of the Development

Policy UAP1 states that residential development will be permitted on previously developed land and buildings within the confines of the urban area. However, the National Planning Policy Framework (NPPF) 2012 states (para.49) that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites against their housing requirement. In terms of the most recent evidence of housing need, the Council cannot currently demonstrate a five year supply. Accordingly, only limited weight can be afforded to Policy UAP1, and in these circumstances the NPPF requires applications to be considered in the context of the presumption in favour of sustainable development. This states at paragraph 14 that where the development plan policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF.

In this case the proposed development is considered to be contrary to other sections of the NPPF that relate to conserving and enhancing the historic environment and Local Plan Policy DAP4 (non-housing supply), which is considered to be consistent with the aims and objectives of the NPPF.

The impact on the Character and Appearance of the Area/Heritage Asset

House

The proposed horizontal sub-division of the house into two apartments, whilst less intrusive and intensive than the previous scheme is still considered to result in material harm to the listed building.

The sub-division will require several doors to be removed or sealed shut with other new doorways created and works to seal off the main stairwell currently open to the landing, with a glazed screen. The utilitarian 'service area' to the eastern side of the house will be completely lost with the removal of painted brickwork walls including cambered arch detailing, timber doors and what is believed to be a larder room with a sunken floor and vented door. The whole flow and original domestic layout of the property with the grand residential western side and eastern service side with tradesman's entrance, etc. would be lost to the detriment of the integrity of the listed building.

The applicant has provided details for how soundproofing would be achieved between the apartments to meet Building Regulations, however, further technical detailing would be required to ensure that this can be achieved without harm to the fabric of the listed building.

The harm is considered less than substantial and Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Whilst some individual elements of the scheme may be appropriate the overall scale and nature of the works proposed to facilitate the sub-division of the property into two apartments is considered to be inherently harmful to the integrity of the listed building due to the loss of the original domestic layout of the single family home.

The best use is considered to be the original and intended use as a single family dwellinghouse and the size of the property is not considered to be of such a scale that it is unmanageable as a family home. There is therefore no reasonable reason why the applicant cannot still seek to remedy the 'historic neglect that has occurred over the years by previous owners' and the successful refurbishment of the house is not therefore considered to be dependent on the approval of proposed apartment scheme. It is therefore concluded that it has not been shown that the harm to the significance of the heritage asset would be outweighed by public benefits or that the previous refusal reason/Inspector's decision has been overcome. The scheme is therefore contrary to the aims and objectives of the NPPF and Local Plan Policy DAP4.

Garden

The application site edged red does not include the whole of the property's garden area (which is within the locally important park and garden list) and flanking strips of land are edged in blue, also within the ownership of the applicant but not forming part of this application site. These separate areas are understood to relate to the original historic demarcation of plots, however, the Inspector has previously stated that this does not provide justification for the re-subdivision of the grounds into separate entities and that the *whole* plot forms part of the listing. In terms of assessing the current proposal the garden area is not affected and conditions could be imposed to avoid inappropriate sub-division of the space to form private plots for each of the apartments.

The scheme is considered to have limited visual impact upon the existing building and is not therefore considered to affect the visual amenity of the streetscene or setting of the Conservation Area in accordance with Policy DAP8.

The impact on the living conditions of nearby dwellings

The proposed conversion of the single dwellinghouse into two apartments is not considered to result in any significant impact upon the amenities of the occupiers of surrounding properties.

Car Parking and Highway Safety

The Highway Authority note that the proposed vehicular access arrangements from the public highway (Castle Hill) are sub-standard both in terms of width and the position of gates, and may therefore result in the obstruction of highway while gates are opened or closed, or vehicles reversing into the highway at times of conflict between a vehicle entering the site and exiting the site. The Highway Authority note that these access arrangements were considered by a Planning Inspector in the determination of the previous appeal for the conversion of the application site into four apartments. The Inspector concluded that the access arrangements would not be detrimental to highway safety. As the current application proposes fewer apartments than the previous application, and it is not apparent that any material considerations related to access have changed, the Highway Authority on balance sees no reason to dispute this conclusion and raise no objection.

There is sufficient space within the grounds to accommodate off-street parking in accordance with the Council's Vehicle Parking Standards SPD.

Flood Risk

The site is within flood zone 1 and as such no flood risk issues are raised.

Renewable Energy

The applicant has considered and discounted a number of renewable technology options due to the sensitive nature of the site. The applicant concludes that the most suitable option would be an air source heat pump, which could be housed at lower levels to be hidden from view externally and could work efficiently for two dwellings as apartments without much noise disturbance to the occupants.

The applicant suggests that alternatively the provision of secondary glazing of a type appropriate to the dwelling would give great benefit to energy use and also to sound protection. The existing roof space could also benefit by rigid or additional loose insulation. The provision of renewable technology, improved insulation or a mixture of both could be secured by condition to ensure compliance with the Policy DP13 and the associated SPD.

Ecological Impact

County Ecology have raised no objection as there are no external changes proposed to the building that would affect protected species.

Health and Wellbeing

No issues of health or well-being are raised.

Other Matters

The scheme would trigger an open space contribution, which can be secured by condition.

SUMMARY/CONCLUSION

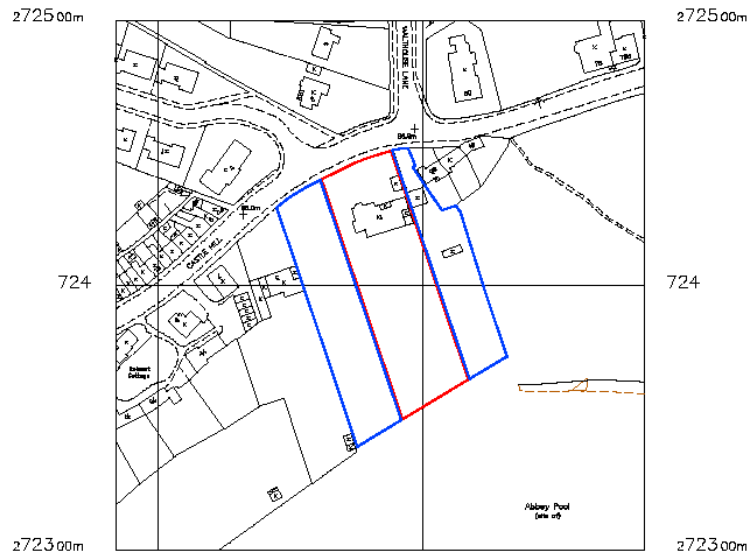
In the opinion of the Local Planning Authority, the proposed horizontal subdivision of the single dwellinghouse to create two apartments is considered to be inherently harmful to the integrity of the listed building and the scheme is therefore considered to be contrary to the policies listed.

REFUSAL REASONS

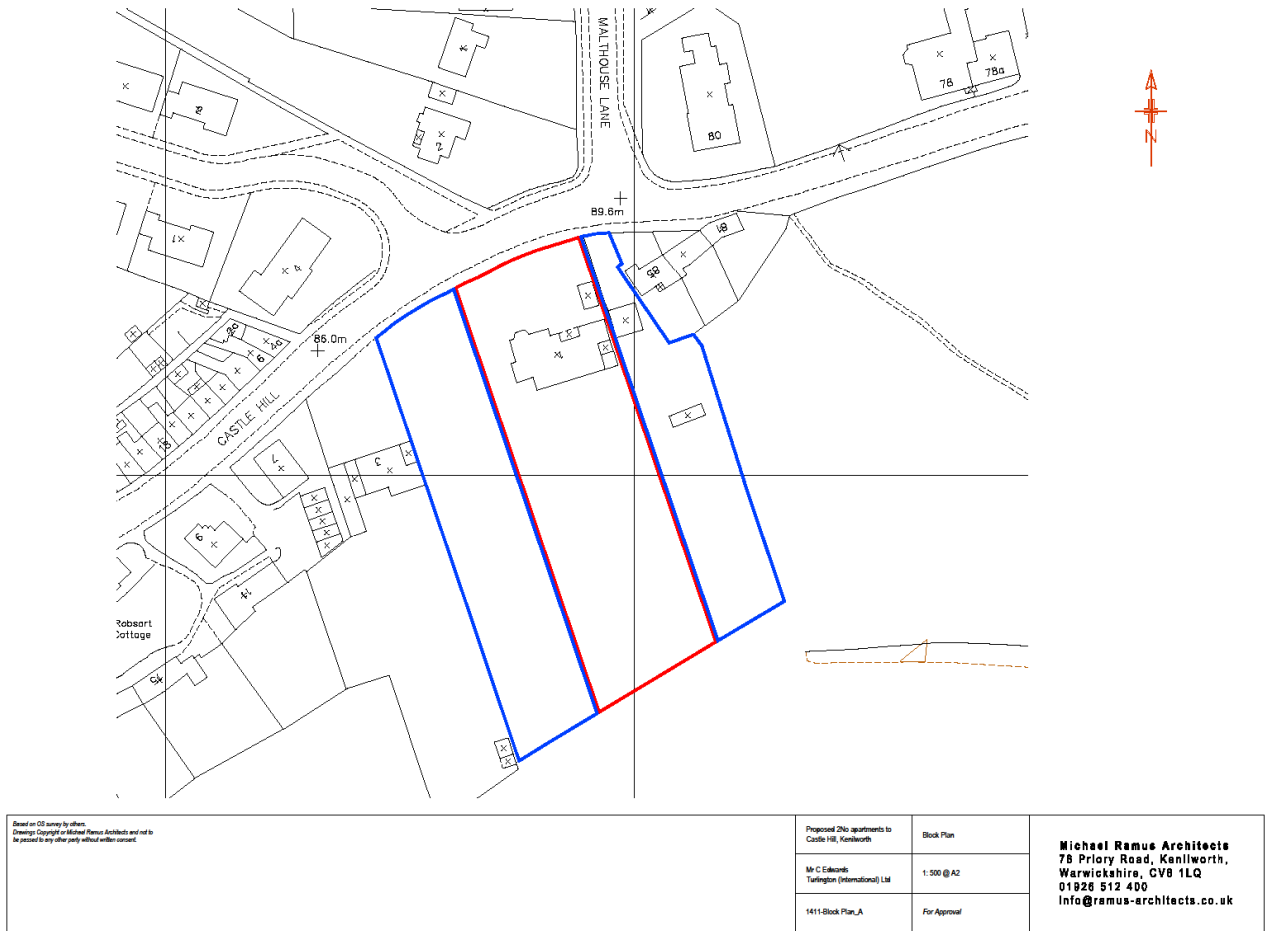
- 1 Policy DAP4 of the Warwick District Local Plan 1996-2011 states that consent will not be granted to alter or extend a listed building where those works will adversely affect its special character or historic interest, integrity or setting. Policy DAP5 states that changes of use from their original use will only be permitted where the original use has been demonstrated to be no longer appropriate/ viable and the proposed use is sympathetic to the special architectural or historic interest and setting of the listed building. National Planning Policy Framework (NPPF), paragraph 134 advises that where a development proposal will lead to less than substantial harm this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

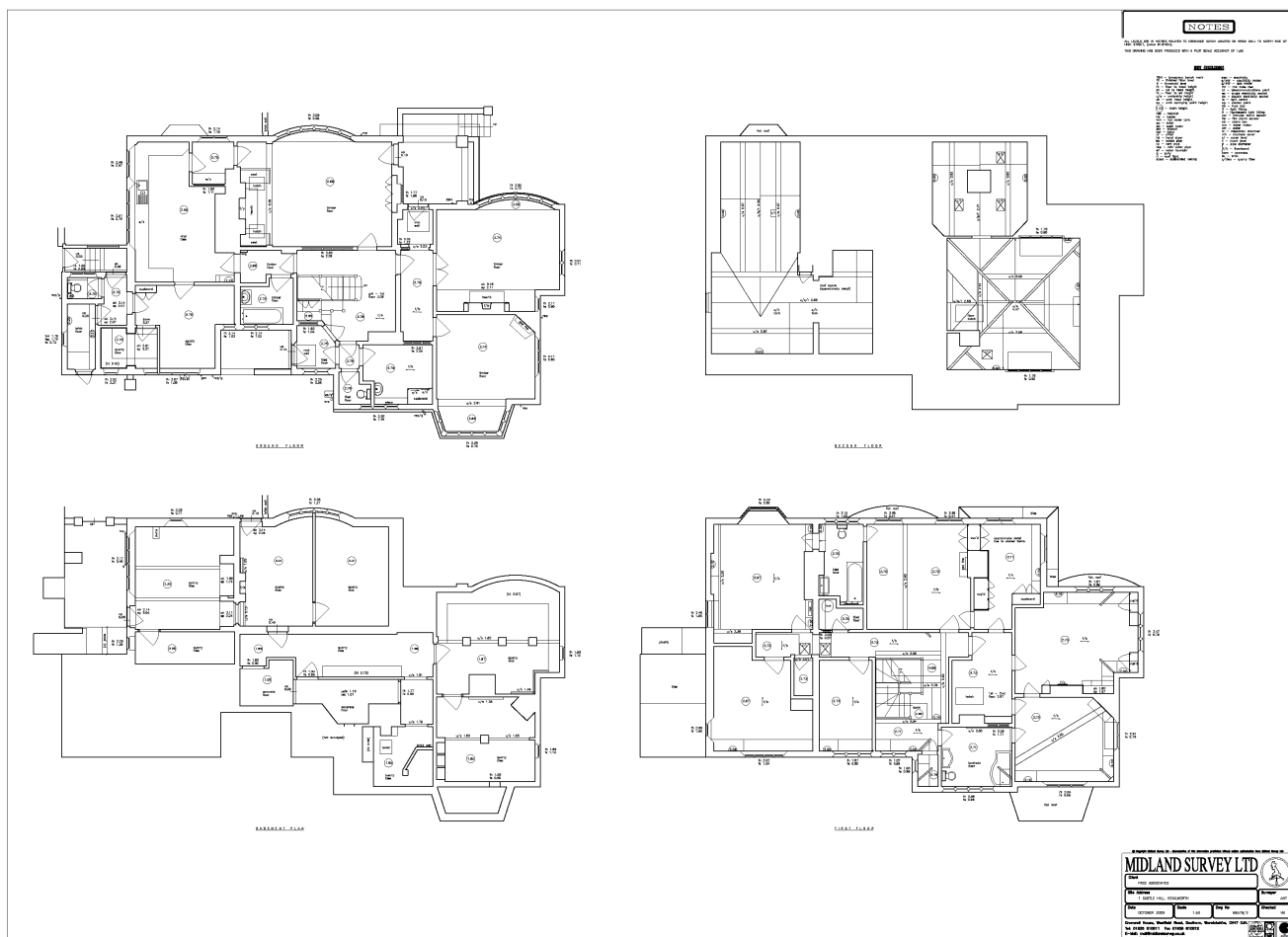
The proposals, which are required to facilitate the conversion of the listed building from a single dwellinghouse into two apartments, would involve horizontal subdivision including internal works which collectively and individually harm the integrity and fabric of the listed building. This harm includes the removal or sealing shut with original doorways (with new doorways created), works to seal off the main stairwell currently open to the landing, with a glazed screen and the loss of the utilitarian 'service area' to the eastern side of the house to the detriment of the integrity of the listed building. In terms of NPPF paragraph 134 it is not considered that the harm to the significance of the heritage asset would be outweighed by public benefits.

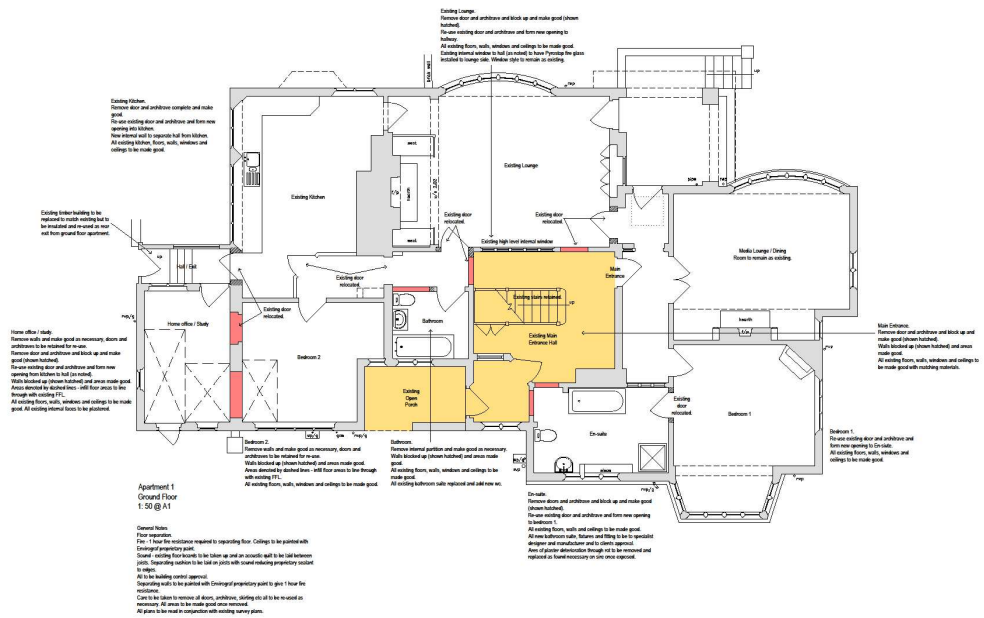
The proposal is thereby considered to be contrary to the aforementioned policies.



<p><small>Based on OS survey by others. Drawings Copyright © Michael Ramus Architects and not to be passed to any other party without written consent.</small></p>	Proposed 2 No apartments to Castle Hill, Kenilworth	Location Plan	<p>Michael Ramus Architects 76 Priory Road, Kenilworth, Warwickshire, CV8 1LQ 01928 512 400 Info@ramus-architects.co.uk</p>
	Mr C Edwards Turlington (International) Ltd	1: 1250 @ A3	
	1411-Location Plan_A	For Approval	







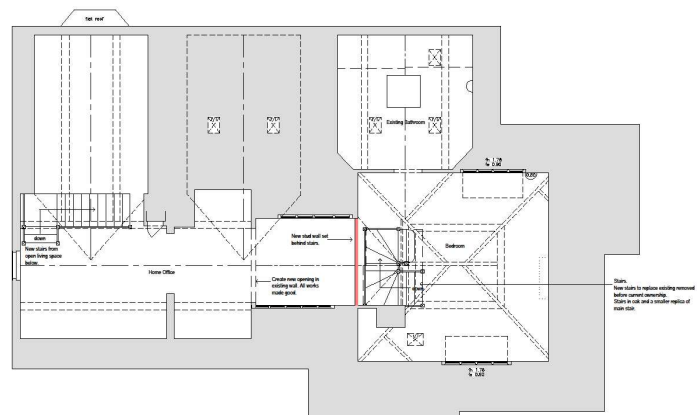
Based on plans to client.
Drawing Copyright © Michael Remus Architects and not to be reproduced in any way without written consent.

Proposed 27th apartments to
Cable & Co. Ltd.
141 Oldfield
Tattington (Westminster) Ltd
H11 6LJ, A

Proposed Ground Floor Plan
1:50 @ A1
For Approval

Michael Remus Architects
78 Priory Road, Kenilworth,
Warwickshire, CV8 1LQ
01928 512 400
info@ramus-architects.co.uk

Proposed ground floor plan



Apartment 2
Second Floor
1:50 @ A1

General Notes
Floor separation
One 1 hour fire resistance required to separating floor. Ceiling to be painted with
Decorative proprietary paint
One 1 hour fire resistance to be taken up and an acoustic wall to be laid between
joists. Separating wall to be laid on joists with sound reducing proprietary resistant
to noise
All to be building control approved.
Separating walls to be painted with Decorative proprietary paint to give 1 hour fire
resistance.
Care to be taken to remove all debris, rubbish, etc. all to be re-used as
necessary. All work to be made good once necessary.
All plans to be read in conjunction with existing survey plans.

<p>Based on existing plans Drawing prepared by Michael Ramus Architects and not to be used for any other purpose without written consent</p>	<p>Proposed this apartment to Cuthbert, Kentworth</p>	<p>Proposed Second Floor Plan</p>	<p>Michael Ramus Architects 78 Priory Road, Kenilworth, Warwickshire, CV8 1LQ 01926 512 400 info@ramus-architects.co.uk</p>
	<p>M C Cuthbert Tattington (Hemel Hempstead) Ltd</p>	<p>1:50 @ A1</p>	
	<p>141101_A</p>	<p>For Approval</p>	

Proposed second floor plan

Planning Committee: 29 March 2016

Item Number: 10

Application No: [W 16 / 0265](#)

Registration Date: 11/02/16

Town/Parish Council: Leamington Spa
Case Officer: Emma Spandley

Expiry Date: 07/04/16

01926 456533 emma.spandley@warwickdc.gov.uk

4 Somerville Mews, Coniston Road, Leamington Spa, CV32 6PE

Erection of a two storey rear extension FOR Mr Hulme

This application has been requested to be presented to Planning Committee by Councillor Gifford

RECOMMENDATION

Planning Committee are recommended to grant planning permission, subject to conditions.

DETAILS OF THE DEVELOPMENT

The application proposes the erection of a two storey rear extension.

THE SITE AND ITS LOCATION

The application property is a two storey end of terrace property built in the 1960's. The property has a flat roof to the main building and a flat roof over the existing garage to the front with a balcony above. The application property is not located within a Conservation Area.

PLANNING HISTORY

W/15/2092 - Erection of a two storey rear extension - withdrawn.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Sustainable Buildings (Supplementary Planning Document - December 2008)

SUMMARY OF REPRESENTATIONS

Cllr Gifford: Requested that the application be referred to Planning Committee if officers minded to grant on the basis of harm to the living conditions of the occupier of the neighbouring property at No.3 Somerville Mews.

WCC Ecology: Recommend bat note.

Public Response: The occupier of No.3 Somerville Mews has objected to the application on grounds of visual intrusion, loss of light, impact on sunlight and the rear amenity area.

ASSESSMENT

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

- The impact on the living conditions of neighbouring properties;
- The impact on the character and appearance of the area;
- Sustainability
- Ecology

The impact on the living conditions of neighbouring properties

The occupier of the neighbouring property at No.3 Somerville Mews has objected to the proposed two storey extension on grounds of harm to their living conditions as a result of loss of light and outlook. Cllr Gifford has called the application in on similar grounds including the remaining garden area available for the occupants of the application property.

The Council's adopted 45 Degree Line SPG states, with regards to two storey extensions, that the 45 degree line is drawn from the quarter point at ground floor and mid-point at first floor of the nearest window or windows from the original face of the adjoining property providing the principal source of light to a habitable room.

No.3 Somerville Mews has in the rear elevation at ground floor two large, full height, patio doors which account for over three quarters of the rear elevation. These windows serve one single room and are considered both to provide the main source of light to this habitable room. In this particular case, it is considered appropriate to take the 45 degree line from the quarter point of the ground floor as a whole rather than the nearest window because of the amount of glazing to what is a single room. At first floor the line is taken from the mid-point of the nearest window at first floor, as this window is the only window which serves this room.

The proposed extension is set off the shared boundary with No.3 by 1.8 metres, and taking the above into account, the 45 degree line is not breached from either ground or first floor.

It is considered that the proposed extension is acceptable and will not result in material harm to the occupiers of No.3 Somerville Mews by reason of loss of light or outlook such that would justify a refusal of planning permission. The proposal is therefore considered to accord with Policy DP2 of the Warwick District Local Plan 1996 - 2011.

The impact on the character and appearance of the area

The proposed extension is two storey and will be constructed of materials which will match the existing house. Whilst two storey flat roofed extensions are not normally allowed, in this particular case as the house itself is a flat roofed, the introduction of any form of pitched / hipped roof would appear as an incongruous feature on this property type. Therefore a flat roof in this instance is appropriate and follows the form and character of the main house.

It is considered that the proposed extension is acceptable and will not introduce and incongruous feature within the street scene and therefore accords with Policy DP1.

Other Matters

The objection from Cllr Gifford in respect of the amount of rear amenity space which would be left for the occupiers of the application property is noted. Whilst the District Council does not have any minimum standards with regards to garden sizes, the rear garden is currently 70 square metres and the proposed two storey extension would only remove 13.85 square metres. As such 56.15 square metres of rear, useable, garden space would be left which is considered sufficient to provide a satisfactory amount of outdoor space for the current and future occupiers of the property.

Sustainability

Due to the limited scale of the proposed development it is not considered that a requirement to provide 10% of the predicted energy requirement of the development through renewables or reduce CO² through a fabric first approach would be appropriate.

Health and Well being

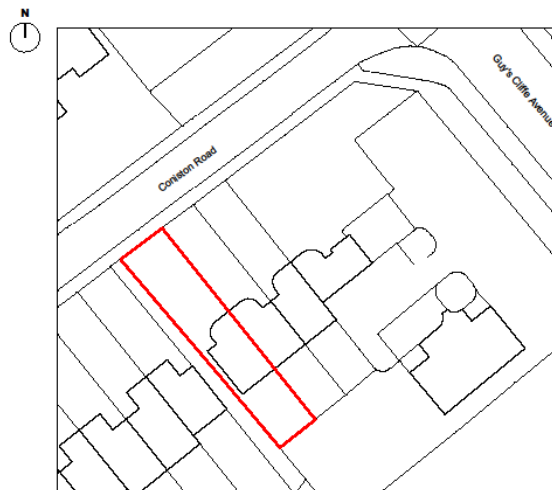
The application is not considered to have an adverse impact on health and wellbeing.

SUMMARY/CONCLUSION

The application is considered to accord with Policies DP1 & DP2 of the Warwick District Local Plan 1996 - 2011 and the Residential Design Guide SPG and therefore will not cause material harm to the occupiers of No.3 Somerville Mews through visual intrusion or loss of light. The extension has been designed in line with the character of the existing property and therefore will not introduce an incongruous feature within the street scene.

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 No.P003; P004 & P005 and specification contained therein, submitted on 11th February 2016. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 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 DP1 of the Warwick District Local Plan 1996-2011.



Site Location Plan
1:500

Notes
<p>Revisions A DH 10.11.2015 Issued for planning</p>
<p>FOR PLANNING APPLICATION ONLY</p>
<p>0 m 5 m Scale - 1:500 @ A3</p>
<p>Client Mr and Mrs Concannon</p>
<p>Rear Extension to: 4 Somerville Mews Coniston Road Leamington Spa CV32 6PE</p> <p>P001 Site Location Plan.</p>

