

Planning Committee Wednesday 4 May 2022

A meeting of the above Committee will be held in the Town Hall, Royal Leamington Spa on Wednesday 4 May 2022, at 6.00pm and available for the public to watch via the Warwick District Council [YouTube channel](#).

Councillor A Boad (Chairman)
Councillor T Morris (Vice Chairman)

Councillor M Ashford

Councillor R Dickson

Councillor O Jacques

Councillor J Kennedy

Councillor V Leigh-Hunt

Councillor C Quinney

Councillor N Tangri

Councillor J Tracey

Whitnash Residents Association Vacancy

Emergency Procedure

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

Agenda Part A – General

1. Apologies & Substitutes

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

2. Declarations of Interest

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

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

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

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

3. **Site Visits**

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

4. **Minutes**

To confirm the minutes of the Planning Committee meetings held on

- (a) 29 March 2022 **(Pages 1 to 21)**
- (b) 30 March 2022 **(Pages 1 to 16)**

Part B – Planning Applications

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

- 5. **W/22/0140 – Warwick Castle, Castle Hill, Warwick** **(Pages 1 to 29)**
Major Application
- 6. **W/19/0531 – Milverton House, Court Street, Royal Leamington Spa**
Major Application **(Pages 1 to 10)**
- 7. **W/21/2282 – 28 Clemens Street, Royal Leamington Spa** **(Pages 1 to 7)**

Please note:

- (a) the background papers relating to reports on planning applications are open to public inspection under Section 100D of the Local Government Act 1972 and consist of all written responses to consultations made by the Local Planning Authority in connection with the planning applications referred to in the reports, the County Structure Plan Local Plans and Warwick District Council approved policy documents.
- (b) all items have a designated Case Officer and any queries concerning those items should be directed to that Officer.
- (c) in accordance with the Council's Public Speaking Procedure, members of the public can address the Planning Committee meeting remotely by joining the remote meeting through their personal device on any of the planning applications or Tree Preservation Order reports being put before the Committee. If you wish to do so, please register online at [Speaking at Planning Committee](#) any time after the publication of this agenda, but **before 10.00am** on the working day before the day of the meeting and you will be advised of the procedure.
- (d) please note that the running order for the meeting may be different to that published above, in order to accommodate items where members of the public have registered to address the Committee.
- (e) occasionally, items are withdrawn from the agenda after it has been published. In this instance, it is not always possible to notify all parties interested in the application. However, if this does occur, a note will be placed on the agenda via the Council's website, and where possible, the applicant and all registered speakers (where applicable) will be notified.

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 officers named in the reports. You can e-mail the members of the Committee at planningcommittee@warwickdc.gov.uk

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Planning Committee

Minutes of the meeting held on Tuesday 29 March 2022 at the Town Hall, Royal Leamington Spa at 6.00pm.

Present: Councillor Boad (Chairman); Councillors Jacques, Kennedy, Kohler, Leigh-Hunt, Margrave, Morris, Quinney, Tangri and Tracey.

Also Present: Committee Services Officer – Sophie Vale; Legal Advisor – Caroline Gutteridge; Business Manager – Development Management - Rob Young; and Principal Planning Officer – Lucy Hammond.

161. **Apologies and Substitutes**

- (a) Apologies were received from Councillor Ashford.
- (b) Councillor Kohler substituted for Councillor Dickson, and Councillor Margrave substituted for the Whitnash Residents Association vacancy.

162. **Declarations of Interest**

There were no declarations of interest made.

163. **Site Visits**

To assist with decision making, Councillors Boad, Jacques, Kennedy, Morris, and Quinney made independent visits to the W/22/0225 – Westbury Court, 50 Coten End, Warwick.

164. **Minutes**

The minutes of the meetings held on 1 March 2022 and 2 March 2022 were taken as read and signed by the Chairman as a correct record.

165. **W/21/2192 – Land at Leafields, Warwick**

The Committee considered an application from Merlin Attractions Operations Ltd for the proposed relocation of car park at Leafields, comprising reinforced grass, with landscaping and associated works.

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

The officer was of the opinion that the proposed development was acceptable in principle in accordance with Policy CT6 of the Local Plan as well as the relevant heritage policies, both nationally and locally. The relocation of the car park was not considered to harm the significance of the relevant heritage assets; the impact was considered neutral with the heritage enhancements that were identified.

There would be no detriment to residential amenity, highway safety, ecology or drainage and overall, for these reasons, it was recommended

PLANNING COMMITTEE MINUTES (Continued)

that planning permission should be approved, subject to the conditions listed below as well as the completion of a Unilateral Undertaking which would require the cessation of the use of the existing overflow car park and its restoration back to pastureland, including the planting of parkland trees.

The following people addressed the Committee:

- Dr Hodgetts, Conservation Advisory Forum, objecting;
- Dr Hyland, objecting;
- Mr Murphy, objecting;
- Mr Bennett, objecting; and
- Mr Blofeld, supporting.

An addendum circulated at the meeting advised of an updated Landscape and Ecological Management Plan (LEMP) received in response to final comments from WCC Ecology requesting additional details in relation to fencing around the woodland. The final response from WCC Ecology stated the following:

"Content with the revised LEMP to include details of fencing and protection around woodland; recommended condition in this regard can be altered to a compliance condition rather than a pre-commencement condition.

The addendum also advised of an update to condition 4 (p.14) changing the requirement for a further LEMP prior to the commencement of development to a compliance condition requiring the development to be undertaken in accordance with the updated LEMP, to read:

"The development hereby permitted shall be carried out strictly in accordance with the detailed Landscape and Ecological Management Plan (PE0266/HS dated March 2022, Harris Lamb). The approved measures within the LEMP shall thereafter be implemented in full."

The addendum also shared the response received from Warwick Town Council, which was that they neither supported nor objected to the proposals.

The addendum stated that, in light of amendments being made through the course of the application in response to comments from statutory consultees the following corrections to the report were necessary (where the information in the report was based on the original submission):-

- p.1 – under 'Details of Development' the relocated car park would accommodate up to 1,200 cars which is due to the increase in the width of buffers and parkland tree planting shown on revised plans;
- p.5 – comments from WCC Landscape have now been fully addressed in view of the proposed parkland tree planting to the east of the site; and
- p.10 – in the final paragraph, the site area of the proposed car park is 2.86ha which corresponds with the maximum parking capacity in view of the increased buffers.

It was also worth noting that parking capacity figures were an approximate maximum; the car park was expected to operate in the same way as existing which was one of fluctuating capacity linked to seasonal use.

PLANNING COMMITTEE MINUTES (Continued)

In response to questions from Members, the Principal Planning Officer explained that there would be temporary mobile lighting powered by a generator needed in the winter months. This had been assessed and found that it would have minimal impact on neighbouring dwellings. Despite the lighting not being a permanent feature, condition 6 had been added to mitigate potential noise nuisance. She also stated that reassurance had been provided by an Environmental Health Officer, who said the noise from the generators would not exceed the six-decibel limit. The Business Manager stressed that as the revised Noise Impact Assessment did not have any objections, then adding anything else to the condition limiting noise would go beyond "what was necessary". However, the Principal Planning Officer suggested adding an advisory note in pursuit of condition 6, guiding the applicant to use preferable/more sustainable types of generators.

The Principal Planning Officer confirmed that the full biodiversity net gain achieved through revisions to the landscape and environmental management plan would not be revealed until five years after planting takes place. The overall net gain was reduced from 22% to around 20% due to complications regarding the historical aspect of the landscape, but condition 4 was updated to reflect this, something which was accepted by consultees. The Business Manager added to this, stating that the Council was reliant on the applicant sticking to the conditions imposed, but that in a high-profile case such as this, they would expect to be informed by an interested party if the applicant was not adhering to the five-year commitment to increased biodiversity. In response to a question from Councillor Kohler, the Principal Planning Officer stated that any mention of badgers had to remain confidential, but two assessments had been carried out and the County Ecologist was happy with the measures taken to ensure that badgers were being looked after.

Responding to Councillor Morris' question about time constraints on getting the original car park back to its natural habitat, the Business Manager stated that landscaping conditions were usually carried out within the first planting season. The Principal Planning Officer reassured Members that a legal agreement would set out these times, thus ensuring that the use of the old car park ceases before the use of the new one begins. It was supported by the Council's Solicitor that a condition about timings be included within the s106 agreement.

Members were concerned that this application was in essence a "car park by stealth" as there were no restrictions on the amount of time the overflow car park could be used for. The Principal Planning Officer stated that there were no records of a planning application for the existing overflow car park, meaning that a condition restricting the use of this car park would not be reasonable. The Business Manager confirmed this, saying that the existing car park was currently unrestricted in planning terms, and there was no limit on how many days of the year it could be used. To impose any restrictions on use, harm would have to be demonstrated. The Council's Solicitor agreed, saying that as the existing overflow car park had no conditions or existing harm to the surrounding area, a condition could not be imposed for the relocated one.

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 Quinney and seconded by Councillor Jacques that the application should be granted.

The Committee therefore

Resolved that in respect of W/21/2192

- (1) it be **granted**, subject to
 - (a) the completion of a Unilateral Undertaking;
 - (b) the Section 106 Agreement including requirement for the use of the existing car park to cease, the gravel hardstanding to be removed, and landscaping to the buffer zones; and
 - (c) the following conditions:

- | No. | Condition |
|------------|--|
| (1) | <p>the development hereby permitted shall begin no later than three years from the date of this permission.</p> <p>Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);</p> |
| (2) | <p>the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 353/21 20, and specification contained therein, submitted on 06 December 2021, and approved drawings 353/21 25 Rev.A, 353/21 32 Rev.A and 353/21 34 Rev.A and specification contained therein, submitted on 01 March 2022 and approved drawings 353/21 23 Rev.B and 353/21 26 Rev.B, and specification contained therein, submitted on 16 March 2022.</p> <p>Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;</p> |
| (3) | <p>the development hereby permitted, including site clearance work, shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the District Planning Authority. In discharging this condition, the LPA expect to see details concerning pre-</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | <p>commencement checks for protected species including badgers, bats and breeding birds and appropriate working practices and safeguards for wildlife that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full.</p> <p>Reason: To ensure that protected species are not harmed by the development, in accordance with the National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Policies NE2 and NE3 of the Warwick District Local Plan 2011-2029;</p> |
| (4) | <p>the development hereby permitted shall be carried out strictly in accordance with the detailed Landscape and Ecological Management Plan (PE0266/HS dated March 2022, Harris Lamb). The approved measures within the LEMP shall thereafter be implemented in full.</p> <p>Reason: To ensure protection of species and no net loss in accordance with ODPM Circular 2005/06 and the NPPF;</p> |
| (5) | <p>any hard landscaping shown on the approved plans, including boundary treatment, paving and footpaths, shall be completed in all respects within the 6 months of the first use of the development hereby permitted. Any soft landscaping shown on the approved plans, including any tree(s) and shrub(s), shall be planted within the first planting season following that first use. Any tree(s) or shrub(s) removed, dying, or becoming in the opinion of the local planning authority seriously damaged, defective or diseased within five years from the substantial completion of the scheme shall be replaced within the next planting season by tree(s) or shrub(s) of the same size and species to those originally required to be planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations.</p> <p>Reason: To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029; |
| (6) | noise arising from any plant or equipment (measured as LAeq,5 minutes), when measured (or calculated to) one metre from the façade of any noise sensitive premises, shall not exceed the background noise level (measured as LA90,T). If the noise in question involves sounds containing a distinguishable, discrete, or continuous tone (whine, screech, hiss, hum etc), or if there are discrete impulses (bangs, clicks, clatters, thumps etc.), or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level.

Reason: To ensure that the level of noise emanating from any plant or equipment is confined to levels which would not cause unacceptable disturbance to the detriment of the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029; and |
| (7) | the development permitted by this planning permission shall be carried out strictly in accordance with the approved Flood Risk Assessment (FRA) by Simpson tws dated 02/12/2021. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing and phasing arrangements embodied within the scheme.

Reason: To prevent the increased risk of flooding in accordance with Policy FW1 of the Warwick District Local Plan 2011-2029. |
| (2) | that subject to the wording being agreed in liaison with the Chairman, a note be added asking the applicant to consider a more sustainable type of generator. |

166. **W/21/0763 – Zetland Arms, 11 Church Street, Warwick**

The Committee considered an application from Punch Partnerships (PML) Ltd for the change of use from Public House (Sui Generis) to 1no. dwelling house (Use Class C3).

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

PLANNING COMMITTEE MINUTES (Continued)

Considering the submitted business justification and the outlined restoration works, officers acknowledged that the scheme to convert the property to residential use would effectively secure the optimum viable use and future of the Listed Building as a functional space, as opposed to the existing operation. While the proposed development would significantly change the internal character of the building, no harm to the core historic form or layout of the building had been identified. In addition, the works generally sought to preserve remaining elements of historic fabric and were thus considered to avoid harm to the special historic and architectural character of the site.

In addition, noting that no notable external works were proposed, the development was considered to result in no material harm to the wider Conservation Area and setting of the other nearby listed buildings.

Subject to conditions, the proposal would comply with Policy BE3 of the Local Plan.

In view of this assessment, the proposed scheme was considered to appropriately accord with Local Plan Policy TR3.

The officer was of the opinion therefore, that planning permission should be granted subject to conditions.

The following people addressed the Committee:

- Mr John Beaumont, objecting; and
- Mr Jeremy Heppell, supporting.

An addendum circulated at the meeting advised that one further public representation was received, raising an objection to the scheme and citing the social and communal benefits the public house operation brought to Warwick.

In response to questions from Members, the Business Manager clarified that Members were only being asked to approve the change of use of the building, and that all requirements for the change of use that were material to consideration had been satisfied. He also reassured Members that this would not be used as anything other than a Class C3 dwelling, and if an owner wished to make changes that fell outside of permitted development, then planning permission would have to be re-applied for.

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

The Committee therefore

Resolved that W/21/0763 be **granted** subject to the following conditions:

- | No. | Condition |
|------------|--|
| (1) | the development hereby permitted shall begin no later than three years from the date |
- Item 4a / Page 7

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | 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 '20.92_00.00 A' submitted on 21st April 2021, approved drawings '20.92_10.06 A' submitted on 5th November 2021, '20.92_10.02 C', '20.92_10.03 D' submitted on 9th February 2022, and specification contained therein.

Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029; |
| (3) | the development hereby permitted shall not commence until a detailed schedule of bat mitigation measures (to include timing of works, replacement roost details, monitoring and further survey if deemed necessary) has been completed in consultation with a suitably qualified bat worker and submitted to and approved in writing by the District Planning Authority. Such approved mitigation measures shall thereafter be implemented in full.

Reason: To ensure that protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029; |
| (4) | no development shall commence until an Ecological Enhancement Scheme has been submitted and approved in writing by the Local Planning Authority. In discharging this condition, the LPA expect to see details of biodiversity enhancement features including bat and bird boxes including at least two swift nest boxes to be installed on the building. The works and ecological enhancement scheme shall thereafter be carried out in accordance with the approved details.

Reason: In accordance with NPPF, ODPM Circular 2005/06 and Policy NE2 of the Warwick District Local Plan 2011-2029; |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| (5) | <p>the development hereby permitted shall not commence until details of all external light fittings and external light columns 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. In discharging this condition, the Local Planning Authority expects lighting to be restricted in the roost location, along the site boundaries; and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats. This could be achieved in the following ways:</p> <ul style="list-style-type: none">• Lighting should be directed away from vegetated areas and the roost;• Lighting should be shielded to avoid spillage onto vegetated area;• The brightness of lights should be as low as legally possible;• Lighting should be timed to provide some dark periods; and• Connections to areas important for foraging should contain unlit stretches. |

Reason: In accordance with NPPF, ODPM Circular 2005/06 and Policy NE2 of the Warwick District Local Plan 2011-2029;

- | | |
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| (6) | <p>the development hereby permitted shall not be occupied unless and until additional details of sound proofing that demonstrates an appropriate sound reduction performance in accordance with the submitted Noise Assessment Report prepared by Airtight & Noisecheck Limited (Ref. 18792, dated 7th October 2021) have been submitted to and approved in writing by the Local Planning Authority, and the sound proofing measures have been completed in full accordance with the approved details.</p> |
|-----|--|

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

- | | |
|-----|--|
| (7) | <p>the development hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will</p> |
|-----|--|

PLANNING COMMITTEE MINUTES (Continued)

No.

Condition

be achieved has been submitted to and approved in writing by the Local Planning Authority. No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

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

167. W/22/0225 – Westbury Court, 50 Coten End, Warwick

The Committee considered an application from Orty Design for the replacement of existing windows and doors.

The application was presented to Committee because more than 5 letters of support were received and the application was recommended for refusal.

The officer was of the opinion that the proposals would result in unacceptable harm to the Conservation Area and the setting of the locally listed park and were contrary to Local Plan Policies HE1, HE3 and the Council's 'Windows in Listed Buildings and Conservation Areas' Supplementary Planning Document. It was therefore recommended that planning permission be refused.

The following people addressed the Committee:

- Ms Coralie Clark, supporting.

Following consideration of the report, presentation, and the representations made at the meeting, it was proposed by Councillor Morris that the application should be granted, subject to suitable conditions being agreed between planning officers and the Chairman of the Committee. Councillor Morris stated that he didn't understand why this application was recommended for refusal, as he could not tell the difference aesthetically between timber frames and uPVC frames. This was seconded by Councillor Tracey, who noted that the only material difference between the frames would be the thickness of the bars between the panes of glass. In his opinion, uPVC would allow for a larger window and therefore better regulate the temperate inside the homes.

The Business Manager responded to this point, saying that if the decision was to grant, then it would have to be on very clear reasons. Drawing on Councillor Jacques point, the Council's Solicitor stated that if Members did not see any harm in uPVC windows, then there wasn't a need to look at the benefits to the public. She stated that harm was hard to quantify without expertise on windows and energy efficiency.

PLANNING COMMITTEE MINUTES (Continued)

The Committee therefore

Resolved that W/22/0225 be **granted** contrary to the recommendation in the report, subject to conditions to be agreed by the Chair of the Planning Committee in consultation with officers.

168. W/21/1313 – Baginton School Site, Church Road, Baginton

The Committee considered an application from D.F.J Hewer Ltd for the erection of two new dwellings incorporating associated landscaping and the proposal of a new peace garden.

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

The officer was of the opinion that the principle of development was acceptable having regard to the provisions of Policies H1 (provision of new housing) and DS18 (Green Belt) of the Local Plan, as well as paragraph 149 of the NPPF.

The plans for both dwellings were revised a number of times throughout the course of the application to respond positively to the concerns raised from both heritage and landscaping points of view. The proposals were now considered acceptable in both of these regards and conditions could be imposed on any forthcoming permission to secure the final details with respect to materials and planting species.

The dwellings would provide appropriate standards of amenity for future occupiers and would not compromise the existing amenity of neighbouring properties. Parking on site for each dwelling accords with the adopted SPD and the proposals were also considered to comply with the Local Plan policies in respect of ecological matters and planning for climate change adaptation.

For these reasons, it was recommended that planning permission be granted to the conditions set out in the report.

An addendum circulated at the meeting detailed the addition of the following pre-commencement condition: to

“Notwithstanding details contained within the approved documents, prior to commencement of development other than site clearance, preparation works or demolition works, a Sustainability Statement including a programme of delivery of all proposed measures shall be submitted to and approved in writing by the Local Planning Authority. The document shall include;

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

PLANNING COMMITTEE MINUTES (Continued)

- Details of the building envelope (including U/R values and air tightness);
- How the proposed materials respond in terms of embodied carbon;
- How the development optimises the use of multi-functional green infrastructure (including water features, green roofs and planting) for urban cooling, local flood risk management and to provide access to outdoor space for shading;
- No dwelling shall be first occupied until the works within the approved scheme have been completed in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

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

In response to questions from Members, the Principal Planning Officer stated that while this was not technically a planning matter, the applicants had confirmed that the occupiers of House B in the presentation would maintain the garden. This would be written into the deeds of the house so that every future owner would also have the responsibility.

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

The Committee therefore

Resolved that W/21/1313 be **granted** subject to the following conditions:

- | No. | Condition |
|------------|---|
| (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 LP-2020-000 and specification contained therein, submitted on 09 July 2021, approved drawing 20541-21 Rev.A and specification contained therein, submitted on 23 November 2021, approved drawing 20541-22 Rev.B and specification contained therein, submitted on 24 December 2021, approved drawing 20541-24 and specification contained therein, submitted on 08 February 2022 and approved drawings |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | 20541-20 Rev.D and 20541-23 Rev.E and specification contained therein, submitted on 01 March 2022.

Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029; |
| (3) | no development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029; |
| (4) | <ol style="list-style-type: none">1. No development shall take place until<ol style="list-style-type: none">a) A desk-top study has been carried out that shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information, and, using this information, a diagrammatical representation (conceptual model) for the site of all potential contaminant sources, pathways and receptors has been produced.b) If identified as being necessary having completed the desk-top survey study, a site investigation has been designed for the site using the information obtained from the desk-top study and any diagrammatical representations (conceptual model). This should be submitted to and approved in writing by the local planning authority prior to that investigation being carried out. The investigation must be comprehensive enough to enable:<ul style="list-style-type: none">• A risk assessment to be undertaken relating to human health. |

PLANNING COMMITTEE MINUTES (Continued)

No.

Condition

- A risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected.
 - An appropriate gas risk assessment to be undertaken
 - Refinement of the conceptual model.
 - The development of a method statement detailing the remediation requirements.
- c) The site investigation has been undertaken in accordance with details approved by the local planning authority and a risk assessment has been undertaken.
- d) A method statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters using the information obtained from the site investigation, has been submitted to the local planning authority. The method statement shall include details of how the remediation works will be validated upon completion. This should be approved in writing by the local planning authority prior to the remediation being carried out on the site.
2. All development of the site shall accord with the approved method statement.
3. If during development, contamination not previously identified, is found to be present at the site then no further development shall take place (unless otherwise agreed in writing with the local planning authority for an addendum to the method statement). This addendum to the method statement must detail how this unsuspected contamination shall be dealt with.
4. Upon completion of the remediation detailed in the method statement a report shall be submitted to the local planning authority that provides

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	verification that the required works regarding contamination have been carried out in accordance with the approved method statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.'

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

- (5) the development hereby permitted shall not commence unless and until a hard and soft landscaping scheme has been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations.

Reason: To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | the Warwick District Local Plan 2011-2029; |
| (6) | <p>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.</p> <p>Reason: In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029;</p> |
| (7) | <p>no part of the development hereby permitted, including site clearance, shall commence until a combined ecological and landscaping scheme has been submitted to and approved in writing by the Local Planning Authority (in consultation with WCC Ecological Services). The scheme must include all aspects of landscaping including details of native tree planting, installation of bird and bat boxes and any other biodiversity enhancements such as log piles and wild flower area. The agreed scheme to be fully implemented before/during development of the site as appropriate.</p> <p>Reason: In accordance with NPPF, ODPM Circular 2005/06;</p> |
| (8) | <p>no part of the development hereby permitted, including ground clearance works, shall commence until a protected species method statement for nesting birds, amphibians and reptiles and hedgehog (to include timing of</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | works, supervision of vegetation clearance/excavations and reasonable avoidance measures) has been submitted to and approved in writing by the Local Planning Authority. Such approved measures shall thereafter be implemented in full. |
| | Reason: To ensure that protected species are not harmed by the development; |
| (9) | no development shall be carried out above slab level until details of the finished floor levels of all buildings, together with details of existing and proposed site levels on the application site and the relationship with adjacent land and buildings, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with these approved details. |
| | Reason: To ensure sufficient information is submitted to demonstrate a satisfactory relationship between the proposed development and adjacent land and buildings in the interests of amenity in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029; |
| (10) | the development shall not be occupied until visibility splays have been provided to the vehicular accesses to the site with an 'x' distance of 2.4 metres and 'y' distances to the near edge of the public highway carriageway of no less than 20 metres, in general accordance with Drawing Number 2054-21, Rev A. |
| | Reason: In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029; |
| (11) | the development hereby permitted shall not be occupied unless and until the accesses for vehicles, parking for 5 vehicles and a turning area for "House A" have been provided at the site in general accordance with Drawing Number 2054-21, Rev A. Thereafter those areas shall be kept marked out and available for such use at all times. |
| | Reason: In the interests of highway safety and to ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual / residential |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | amenity in accordance with Policies BE1, BE3, TR1 and TR3 of the Warwick District Local Plan 2011-2029; |
| (12) | <p>the accesses to the site for vehicles shall not be used in connection with the development until they have been surfaced with a bound material for their entirety as measured from the near edge of the public highway carriageway.</p> <p>Reason: In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;</p> |
| (13) | <p>prior to the occupation of the dwellings hereby permitted, one 16amp (minimum) electric vehicle recharging point (per dwelling) shall be installed in accordance with details first submitted to and approved in writing by the Local Planning Authority (LPA). Once the electric vehicle recharging point(s) has been installed, the following verification details shall be submitted to and approved in writing by the LPA: (1). Plan(s)/ photograph(s) showing the location of the electric vehicle recharging point(s); (2). A technical data sheet for the electric vehicle recharging point infrastructure; and (3). Confirmation of the charging speed in kWh. Thereafter the electric vehicle recharging point(s) shall be retained in accordance with the approved details and shall not be removed or altered in any way (unless being upgraded).</p> <p>Reason: To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document;</p> |
| (14) | <p>the existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted. Any tree(s) or shrub(s) removed, dying, or being severely damaged or diseased or becoming, 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/ within the next planting season] with tree(s) and</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | shrub(s) of the same size and species as that originally planted . 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 landscape features which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029; |
| (15) | prior to the occupation of the development hereby permitted, the two first floor windows in the east facing side elevation of House A, together with the two first floor windows in the west facing side elevation and the first floor window in the east facing side elevation of House B shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed window(s) shall be retained and maintained in that condition at all times. |
| | Reason: To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029; |
| (16) | the development hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved has been submitted to and approved in writing by the Local Planning Authority. No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. |

PLANNING COMMITTEE MINUTES (Continued)

No.

Condition

Reason: To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policy FW3 of the Warwick District Local Plan 2011-2029; and

- (17) notwithstanding details contained within the approved documents, prior to commencement of development other than site clearance, preparation works or demolition works, a Sustainability Statement including a programme of delivery of all proposed measures shall be submitted to and approved in writing by the Local Planning Authority. The document shall include;
- a) How the development will reduce carbon emissions and utilise renewable energy;
 - b) Measures to reduce the need for energy through energy efficiency methods using layout, building orientation, construction techniques and materials and natural ventilation methods to mitigate against rising temperatures;
 - c) Details of the building envelope (including U/R values and air tightness);
 - d) How the proposed materials respond in terms of embodied carbon;
 - e) How the development optimises the use of multi-functional green infrastructure (including water features, green roofs and planting) for urban cooling, local flood risk management and to provide access to outdoor space for shading.

No dwelling shall be first occupied until the works within the approved scheme have been completed in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

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

PLANNING COMMITTEE MINUTES (Continued)

The Committee considered an application to confirm a provisional tree preservation order (TPO) relating to two London Plane trees because objections had been made about it being confirmed.

On 8 November 2021 the Local Planning Authority (LPA) received a notification to fell the two mature London Plane trees (ref: W/21/2052/TCA). The notification stated that the trees were large and causing a lot of shade over the tarmac car park. The notification also referred to the removal of the trees as a preventative measure to avoid damage to the tarmac, that had not yet occurred.

In the absence of sound and justified reasons for the removal of the trees, Officers proceeded to protect the trees considered to be of amenity value by the serving of this Order.

The two London Plane trees were attractive specimens of good vigour and of reasonable overall form and structure. T1 had a stem diameter of 600mm, and T2 was slightly larger at 800mm diameter. The radial crown spread of both was up to 8m, T1 stood at approximately 15m tall, and T2 was slightly taller at circa 16m tall.

The trees' prominent public location meant that they were both readily visible as a feature in the landscape from a wide range of public viewpoints, and so they provided both an individual and collective contribution toward the local amenity. The trees appeared to be in good overall health with a retention span of at least 40 years.

The Council's Arboricultural Consultant had assessed the trees for their TPO quality using the nationally recognised TEMPO method of assessment, and they scored 20; the TEMPO guidance was that where the score was 16 or more the making of a TPO was merited (if there are no other mitigating circumstances).

In summary the Council considered it expedient to make a provisional TPO under section 198 of the Town and Country Planning Act.

The officer considered that the issues raised in objection to the TPO were not sufficient to outweigh the significant amenity contribution which the two trees make to the surrounding area and therefore it was considered expedient to confirm this TPO.

Following consideration of the report and presentation, it was proposed by Councillor Jacques and seconded by Councillor Quinney that the TPO should be confirmed.

The Committee therefore

Resolved that officers be authorised to confirm TPO 571.

(The meeting ended at 8.45pm)

CHAIRMAN
26 April 2022

Planning Committee

Minutes of the meeting held on Wednesday 30 March 2022 at the Town Hall, Royal Leamington Spa at 6.00pm.

Present: Councillors Ashford, Grainger, Jacques, Kennedy, Kohler, Leigh-Hunt, Quinney, Tangri and Tracey.

Also Present: Committee Services Officer – Rob Edwards; Legal Advisor – Caroline Gutteridge; Principal Planning Officer - Dan Charles; and Development Manager – Gary Fisher.

170. **Appointment of Chair**

In the absence of the Chairman and Vice-Chairman, it was proposed by Councillor Tracey, seconded by Councillor Quinney and

Resolved that Councillor Kennedy be appointed as Chair for the 30 March 2022 meeting.

171. **Apologies and Substitutes**

- (a) Apologies were received from Councillor Boad.
- (b) Councillor Kohler substituted for Councillor Dickson and Councillor Grainger substituted for Councillor Morris.

172. **Declarations of Interest**

Councillor Kohler declared an interest on W/21/1084 – Southfields, 57 Lillington Road, Royal Leamington Spa as he was speaking in objection on behalf of Councillor Bill Gifford as Ward Councillor, and he therefore did not take part in the debate when this application was discussed.

173. **Site Visits**

W/21/1084 – Southfields, 57 Lillington Road, Royal Leamington Spa

Councillor Jacques had undertaken an independent site visit when the application was on the agenda for the 1 February 2022 meeting, which was withdrawn prior to the meeting.

W/21/0802 – Land North of Bakers Lane, Knowle

Prior to the 2 March Planning Committee meeting, to assist with decision making, Councillors Boad, Kennedy, Leigh-Hunt, Morris, and Quinney visited the application site for W/21/0263 – Land North of Bakers Lane, Knowle, Solihull - on Monday 28 February 2022. Councillors Falp, Quinney and Dickson also made independent visits to the site. Although this was for a separate application, it was requested that this visit be recorded in the minutes.

PLANNING COMMITTEE MINUTES (Continued)

174. W/21/1084 – Southfields, 57 Lillington Road, Royal Leamington Spa

The Committee considered an application from La Cala Homes Ltd for eight one-bedroom apartments to be formed within the existing roof space with external alterations including dormer windows and solar panels, plus the reconfiguration of the existing accommodation at Southfields providing 38 apartments (22 x 2 bed and 16 x 1 bed units, which involved internal alterations only and was not development within the meaning of Section 55 of the Act), resulting in a total of 46 apartments, alterations to the existing car park layout, provision of external covered bicycle shelter, external alterations to include cladding and render and Juliet balconies.

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

The officer was of the opinion that the development was acceptable in principle having regard to Policy H1 of the Local Plan as the site was within a sustainable area within the Urban Boundary of Royal Leamington Spa.

The proposal was considered to have an acceptable impact on the character and amenity of the local area and adjacent Conservation Area.

Residential amenity of both existing residents and future occupants of the premises was considered to be acceptable.

The scheme was not considered harmful to highway safety and a range of conditions could mitigate site specific matters.

For the above reasons and subject to conditions, it was recommended that the application should be approved.

An addendum circulated before the meeting advised Members of additional public responses listing objections to the application and detailed an update to Condition 9 which made reference to water efficiency based upon an occupation rate of 2.4 people. As the flats were one bedroom only, this was to be reduced to two people.

(At 6.15pm, the meeting was adjourned to allow technical difficulties to be resolved and reconvened at 6.25pm.)

The following people addressed the Committee:

- Councillor McAllister, Town Councillor, objecting;
- Mrs Foley, objecting;
- Mr Frampton, supporting; and
- Councillor Kohler, District Councillor, objecting.

In response to questions from Members, the Legal Officer advised Members that the officers' view was the building was a C3 use class; officers had looked at different components of the use and history of the building in reaching that view. The flats themselves were self-contained, and there was a minimal amount of communal areas, and no restriction on the occupation for people in need of care. C2 use class was for people in need of care which was described as personal care for people in need, and there

PLANNING COMMITTEE MINUTES (Continued)

had never been a restriction for this property to be used by people in need, so it was officers' view that the property had always been C3 class use – dwelling house use as opposed to care home use.

The Legal Officer also explained that officers judged that the application was not a material change of use; although it was currently marketed and had been in the past for over 55's, there had been nothing to stop the owners from renting flats out to other age groups.

In response to question from Members, the Principal Planning Officer advised that the residential design guide made reference to separation distances for circumstances where the distance between a two or three storey building and a three-storey building with upper floors consisting of rooms other than bedrooms stated that a separation distance of 32 metres would be required. However, where the upper floor was made up of just bedrooms, the separation distance would be 27 metres.

In the residential design guide, the first instance above stipulated a blanket 32 metres so there would be a shortfall against this standard. The reference to 27 metres was because at that point of the measured window to window distance, the room within the proposed development was a bedroom which would, if there were only bedrooms located on that floor, be subject to the separation distance of 27 metres. Officers had assessed in the report the separation distance of 29.5 metres as being below the standard but acceptable because of the mitigating factors. Therefore, there were two ways of reading the separation distance guidance.

Members were of the view that if they were to accept there were two ways of reading the distance separation guidelines, there was the possibility that there was a breach of that standard.

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

The Committee therefore

Resolved that W/21/1084 be **refused**, contrary to the recommendation in the report on the grounds of the impact on the neighbouring property due to substandard distance separation contrary to policy reference BE3.

(At 7.33pm the meeting was adjourned to allow for a comfort break and resumed at 7.43pm)

175. W/21/0802 – Land North of Bakers Lane, Knowle

The Committee considered a part-retrospective application from Mr Flaherty for the construction of new canal-side moorings at Helmsley Court Farm, Bakers Lane, Knowle, with associated access and parking arrangements for the provision of car parking.

PLANNING COMMITTEE MINUTES (Continued)

The application was presented to Committee because of the number of objections received, including from Lapworth Parish Council and Chadwick End Parish Council.

The officer was of the opinion that the development was proposed as an over-wintering storage facility for canal boats, with no residential occupation of the boats. If the boats were to be used as residential accommodation, this would be contrary to Local Plan policy H1 which directed new housing. Moreover, the absence of an objection from WCC Highways was in part based on the boats not being used for residential accommodation. It was therefore necessary to add a condition which limited their use for the purposes of the development.

In conclusion, the development was considered to comply with relevant local and national policies and therefore it was recommended that the application should be approved.

An addendum circulated prior to the meeting advised Members of additional public responses of objection.

The addendum also advised that as a point of clarification, officers wished to confirm that the maximum number of moorings at the site was 20. This was the same as the maximum number of moorings under the previous application.

A query was raised regarding an alternative access to the site. Officers had confirmed with the applicant that this was part of the forestry operations only and would not be used in any capacity in connection with the moorings. It was currently provided with a locked gate at the access onto Bakers Lane and this would continue. A condition was also proposed in the report to ensure that only the proposed access was used in association with the moorings.

It was recommended that an additional condition be included as follows:

“There shall be no vehicular access to the site, other than that which is shown on the approved drawings.

Reason: Alternative vehicular access to the site could have a detrimental impact on highway safety and would be contrary to policy TR1 of the Warwick District Local Plan 2011-2029”.

It was recommended that Condition 4 be updated to the following:

“No further development nor use of the site shall be carried out until details of the arrangements for the **removal of any temporary structures associated with the development and** retention and restitution of the top soil over the area of spoil deposit, including details of surface water drainage works have been submitted to and approved by the Local Planning Authority. **No further development nor use of the site shall be carried out until the development has been carried out in full accordance with such approved details”.**

The following people addressed the Committee:

PLANNING COMMITTEE MINUTES (Continued)

- Councillor Henderson, Lapworth Parish Councillor, objecting;
- Mr Gregory, objecting;
- Mr Flaherty, supporting; and
- Councillor Illingworth, District Councillor, objecting.

Councillor Quinney raised a question in response to comments made by a public speaker who spoke in objection, whether it was possible for the tightening of conditions relating to preventing the installation of lighting, controlling/limiting the number of cars on the site, and limiting the number of boats.

The Development Manager advised Members that the conditions could be tightened to prevent the installation of any lighting or illumination, and an additional condition restricting the maximum number of boats to 20 would be acceptable, as well as the revision of the conditions relating to car parking to restrict the maximum number of cars to be parked on the site at any one time. In response to a question from Councillor Kohler, he also suggested that officers could explore whether it was possible to require the installation of EV charging points by condition, which would then be reported back to the Chairman of the Committee before any decisions was taken. In response to a question from Councillor Quinney, the Development Manager suggested that revisions to the proposed conditions to require the submission of a timetable for the completion of the development including all remedial actions would be acceptable, along with a note advising the applicant that the Committee wished to see the development progressed and completed as speedily as possible.

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 Quinney that the application should be granted.

The Committee therefore

Resolved that in respect of W/21/0802

- (1) it be **granted** in accordance with the recommendation in the report and addendum, subject to the following conditions:

No.	Condition
(1)	the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan submitted on 16th December 2021 and approved drawing(s) 26280D-5 and MANOEUVERING PLAN-U-TURN IN REV A. submitted on 26th April 2021 and drawing IMA-19-194 TR02 submitted on 16th February 2022 and the specification contained therein.

Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | BE1 and BE3 of the Warwick District Local Plan 2011-2029; |
| (2) | <p>no further development than already commenced and recorded by the local planning authority or use of the site shall be carried out until a Construction and Environmental Management Plan has been submitted to and approved in writing by the District Planning Authority. In discharging this condition, the local planning authority expect to see details concerning pre-commencement checks for protected species (<i>detail as appropriate, i.e. badgers, bats, breeding birds and otter</i>) and appropriate working practices and safeguards for wildlife that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full.</p> <p>Reason: To ensure that protected species are not harmed by the development, in accordance with the National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Policies NE2 and NE3 of the Warwick District Local Plan 2011-2029;</p> |
| (3) | <p>no further development than already commenced and recorded by the local planning authority nor use of the site shall be carried out until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the District Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as native species planting, wildflower grassland creation, woodland and hedgerow creation/enhancement, and provision of habitat for protected and notable species (including location, number and type of bat and bird boxes, location of log piles). Such approved measures shall thereafter be implemented in full.</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | <p>Reason: To ensure a net biodiversity gain in accordance with NPPF and to ensure that the proposed development has an acceptable impact on the character and appearance of the locality, including the setting of the canal, in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;</p> |
| (4) | <p>no further development nor use of the site shall be carried out until details of the arrangements for the removal of any temporary structures associated with the development and retention and restitution of the topsoil over the area of spoil deposit, including details of surface water drainage works, and a timetable for the completion of all of the aforementioned works, have been submitted to and approved by the Local Planning Authority. No further development nor use of the site shall be carried out until the development has been carried out in full accordance with such approved details.</p> <p>Reason: To protect the openness of the Green Belt and ensure that surface water drainage is adequately dealt with, in accordance with Policies DS18 and FW2 of the Local Plan;</p> |
| (5) | <p>the development hereby permitted shall not be brought into use unless and until the car parking and manoeuvring areas indicated on the approved drawing IMA-19-194 TR02 submitted on 16th February 2022, have been provided and thereafter those areas shall be kept marked out and available for such use at all times.</p> <p>Reason: To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual / residential amenity in accordance with Policies BE1, BE3 and TR3 of the Warwick District Local Plan 2011-2029;</p> |
| (6) | <p>the car park hereby permitted shall not be brought into use unless and until a car park access control and management system has been implemented to: (a) prohibit unauthorised access other than by those legitimately attending the</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | mooring or in connection with the forestry business; (b) manage parking demand so that it does not exceed the maximum capacity as shown on the approved drawings and (c) prohibit access by unsuitable vehicles, in accordance with details that shall have been submitted to agreed in writing by the Local Planning Authority. The development shall only be operated in strict accordance with the approved details. |
| | Reason: To ensure safe and controlled access to the site in the interests of both highway safety and visual / residential amenity in accordance with Policies BE1, BE3 and TR3 of the Warwick District Local Plan 2011-2029; |
| (7) | the car parking area hereby permitted shall not created unless and until samples of the materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details. |
| | Reason: To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029; |
| (8) | there shall be no lighting or illumination installed or operated at the site. |
| | Reason: To ensure the protection of the Green Belt and protected species in accordance with Policies DS18 and NE2 of the Warwick District Local Plan 2011-2029. |
| | Reason: To ensure that any lighting is designed and operated so as not to detrimentally affect the amenities of the occupiers of nearby properties and the canal in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029; |
| (9) | the boats moored in the facility hereby permitted shall not be occupied overnight and shall not be used for residential |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | accommodation.

Reason: To protect the character of the Green Belt and to ensure a sustainable form of development, in accordance with Policies DS18 and H1 of the Local Plan; |
| (10) | there shall be no vehicular access to the site, other than that which is shown on the approved drawings.

Reason: Alternative vehicular access to the site could have a detrimental impact on highway safety and would be contrary to policy TR1 of the Warwick District Local Plan 2011-2029; and |
| (11) | there shall be no more than 20 moorings serving the site.

Reason: To ensure that adequate parking can be provided and to limit traffic generation so that the development would not have a detrimental impact on highway safety, in accordance with Policies TR1 and TR3 of the Warwick District Local Plan 2011-2029. |
| (2) | the inclusion of a note advising the applicant that the Committee wishes to see the development progressed and completed as speedily as possible. |

(At 8.47pm the meeting was adjourned to allow for a comfort break and reconvened at 8.57pm).

176. **W/21/0527 – Four Brothers Farm, Five Ways Road, Shrewley**

The Committee considered an application from Mr Burton for the demolition of an agricultural building and erection of two dwelling houses as an alternative scheme to extant permission under Class Q Prior Approval (ref: W/19/1373) for the conversion of the agricultural building to three dwelling houses.

The application was presented to Committee because an objection had been received from Shrewley Parish Council.

The proposal related to the demolition of a barn with an extant residential consent for three dwellings and the erection of a single building consisting of two attached dwelling houses of a similar size and scale to the existing building. In addition, the remaining site was to be turned into a wildflower meadow/grassland area.

PLANNING COMMITTEE MINUTES (Continued)

The officer was of the opinion that the proposed dwellings were acceptable in principle and was considered to be appropriate development within the Green Belt. Site specific matters could be controlled by condition, and it was therefore considered that the scheme was acceptable.

An addendum circulated prior to the meeting advised Members of the following updates to Conditions 3, 4 and 6:

Condition 3 to be updated to read "Development in Accordance with the recommendations set out within submitted Preliminary Ecological Appraisal".

Condition 4 to be updated to be "No works above slab level until....".

Condition 6 to be updated to "No works above slab level until....".

The following people addressed the Committee:

- Councillor Westbury, Shrewley Parish Councillor, objecting; and
- Mr Burton, supporting.

In response to questions from Members, the Principal Planning Officer advised that Members could require a condition to secure the provision of a parking area for six vehicles and maintained in perpetuity to prevent it being lost to the garden area, as well as a condition requiring details to set out where cycles would be stored. In relation to the provision of EV charging points, officers had conditioned a sustainability statement to provide details of sustainability measures of which EV charging points could be incorporated, or this could be provided as a standalone condition.

Following consideration of the report, presentation, and the representations made at the meeting, it was proposed by Councillor Jacques and seconded by Councillor Ashford that the application should be granted.

The Committee therefore

Resolved that W/21/0527 be **granted** in accordance with the recommendation in the report and addendum, and subject to the following conditions:

No.	Condition
(1)	the development hereby permitted shall begin no 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) 044(08)01 Rev X, 044(08)02 Rev X, 044(08)04 Rev X, 044(08)06 Rev X and 044(08)07 Rev X and
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PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | specification contained therein, submitted on 11 November 2021. |
| | Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029; |
| (3) | the development hereby permitted (including ground clearance works) shall be carried out strictly in accordance with the methodology and recommendations set out within the Phase 1 Preliminary Ecological Appraisal reference 4BroFarm0721_PEA prepared July 2021 and received by the Local Planning Authority on 14 July 2021. |
| | Reason: To ensure that protected species are not harmed by the development; |
| (4) | no development above slab level shall commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as native species planting, wildflower grassland creation, woodland and hedgerow creation/enhancement, and provision of habitat for protected and notable species (including location, number and type of bat and bird boxes, location of log piles). Such approved measures shall thereafter be implemented in full. |
| | Reason: To ensure a net biodiversity gain in accordance with NPPF; |
| (5) | notwithstanding details contained within the approved documents, prior to commencement of development other than site clearance, preparation works, or demolition works, a Sustainability Statement including a programme of delivery of all proposed measures shall be submitted to and approved in writing by the Local Planning Authority. The document shall include: |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| (a) | How the development will reduce carbon emissions and utilise renewable energy; |
| (b) | Measures to reduce the need for energy through energy efficiency methods using layout, building orientation, construction techniques and materials and natural ventilation methods to mitigate against rising temperatures; |
| (c) | Details of the building envelope (including U/R values and air tightness); |
| (d) | How the proposed materials respond in terms of embodied carbon; and |
| (e) | How the development optimises the use of multi-functional green infrastructure (including water features, green roofs and planting) for urban cooling, local flood risk management and to provide access to outdoor space for shading. |

No dwelling shall be first occupied until the works within the approved scheme have been completed in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

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

- (6) no development above slab level shall commence unless and until details of surface and foul water drainage works have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with the approved details.

Reason: To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029;

- (7) the dwellings hereby permitted shall not be occupied unless and until the existing agricultural building has been demolished and the concrete base removed. Thereafter the area shall be planted in accordance with the

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | approved plans within the first planting season following the first occupation of the dwelling.

Reason: To define the terms of the planning permission and in the interest of visual amenity and openness of the Green Belt in accordance with Policies BE1 and DS18 of the Warwick District Local Plan 2011-2029; |
| (8) | 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 put in place to include the erection of stout protective fencing 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 LPA. 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: In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029; |
| (9) | no development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.
Reason: To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029; |
| (10) | no development above slab level shall commence unless and until a hard and soft landscaping scheme has been submitted to and approved in writing by the local planning |

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	authority. Details of hard landscaping works shall include all boundary treatments, including full details of the proposed boundary fencing; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. Details of soft landscaping shall include details of all new tree species; details of the species to be used for gapping up the hedgerow; details of wildflower mix; and details of the proposed planting for the garden area of the dwelling.

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

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

(11) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no further development shall take place within the curtilage of the dwellinghouses hereby permitted without first seeking permission from the Local Planning Authority.

Reason: The dwellings are justified as a replacement for the extant permission on the site for the proposed barn conversion which is

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | subject to restrictions on future development. It is considered appropriate to restrict Permitted Development Rights to ensure that the proposal remains proportionate to the barn it replaces in the interests of visual amenity and openness of the Green Belt having regard to Policies BE1, BE3 and DS18 of the Warwick District Local Plan 2011-2029; |
| (12) | <p>the development hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved has been submitted to and approved in writing by the Local Planning Authority. No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.</p> <p>Reason: To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policy FW3 of the Warwick District Local Plan 2011-2029;</p> |
| (13) | <p>the development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Air Quality and Planning Supplementary Planning Document (January 2019) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter.</p> <p>Reason: To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan;</p> |
| (14) | <p>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.</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | Reason: To ensure that a satisfactory provision of off-street car parking and turning facilities are maintained at all times in the interests of the free flow of traffic and highway safety in accordance with Policies TR1 and TR3 of the Warwick District Local Plan 2011-2029; |
| (15) | the development hereby permitted shall not be occupied unless and until the external refuse storage areas for the development have been constructed or laid out and made available for use by the occupants of the development and thereafter those areas shall be kept free of obstruction and be available at all times for the storage of refuse associated with the development.

Reason: To ensure the satisfactory provision of refuse storage facilities in the interests of amenity and the satisfactory development of the site in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029; |
| (16) | a condition to secure the provision of a parking area for 6 vehicles and maintained in perpetuity to prevent it being lost to the garden area; |
| (17) | a condition requiring details to be set out where bicycles will be stored; and |
| (18) | a condition relating to the provision of EV charging points. |

177. **Appeals Report**

Members received a report from officers outlining the existing enforcement matters and appeals currently taking place.

Resolved that the report be noted.

It was the final meeting where Warwickshire County Council Legal Services provided legal support, and the Committee took the opportunity to put on record its thanks and gratitude for all their support at Planning Committee since 2007.

(The meeting ended at 9.25pm)

CHAIRMAN
4 May 2022

Application No: [W 22 / 0140](#)

Town/Parish Council: Warwick
Case Officer: Lucy Hammond

Registration Date: 27/01/22
Expiry Date: 28/04/22

01926 456534 lucy.hammond@warwickdc.gov.uk

Warwick Castle, Castle Hill, Warwick, CV34 4QX

Erection of hotel at Stratford Road car park; extension to existing restaurant at Knight's Village and new decked areas; elevated walkway; landscaping works including at Leafields; outdoor play area and associated infrastructure works.

FOR Merlin Attractions Operations Ltd

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

RECOMMENDATION

That, subject to the completion of a Unilateral Undertaking, planning permission be granted subject to the conditions listed at the end of this report.

DETAILS OF THE DEVELOPMENT

Planning permission is sought to erect a 60-bed hotel on part of Bays 9/10 of the Stratford Road Car Park together with an extension of the Knight's Village restaurant to provide additional covers and decked terraces for outdoor dining. An elevated walkway is also proposed which would connect the hotel with the restaurant. Areas of additional landscaping and other associated infrastructure is also proposed.

A summary of the key points of the proposal are set out below:-

Hotel proposals

- A 60-bed hotel is proposed which has been kept to the minimum footprint necessary by making use of the existing facilities and services at Knights Village (i.e. using the restaurant which means the hotel does not need to include dining facilities)
- The proposed footprint would be 1,067 sq.m. and the building would be two storeys, with a lower ground floor visible only from the west and south facing elevations
- The design is proposed to tie in with the Knight's Village, proposing a medieval themed rough cast render with timber cladding and timber shingle roof tiles
- The maximum ridge heights of the hotel would be 9.2m at the northern end (closest to properties in Stuart Close) and 12.3m at the southern end, where the land slopes and a lower ground floor would be incorporated

- An elevated walkway is proposed to link the hotel from the southern end to the Knight's Village Restaurant
- The walkway would be a lightweight steel construction clad in stained timber to match the existing walkways on site

Extension to Knight's Village Restaurant

- An extension to the restaurant is proposed, intended to increase the capacity for inside dining, relocation of the toilets, provide a bar area and introduce improved staff changing/storage areas
- The extension would increase the width of the restaurant from 25.5m to 31m and would provide an additional forward projecting gable to the east facing elevation of 12m deep
- A flat roof extension to the rear (on the west facing elevation) is proposed to relocate plant currently stored externally, inside, as well as provide additional storage
- External decked areas to the south and east sides are proposed to provide additional outdoor seating

Outdoor play area

- There is a zone to the south of the restaurant where a play area is proposed
- This is proposed to include lower level climbing equipment and adventure play, ranging in heights between 0.6m and 3m
- The tallest feature would be the central tower slide feature standing at 3.8m in height
- High quality and natural materials would be used to assist with assimilation into the landscape
- No perimeter fencing or lighting would be included in this element of the proposals

Other

- Access would remain as per the existing situation, i.e. via the Stratford Road entrance and Castle Park Drive
- The proposals include the retention of most trees including all high quality trees
- New indigenous tree planting and thematic shrub planting would be introduced in front of the hotel, around the service area and to the west boundary
- Extensive planting is proposed within the land at Leafields to achieve biodiversity net gain

THE SITE AND ITS LOCATION

The application site totals 1.87ha and is located to the south of the Castle grounds, approximately 410 metres from the Castle. It lies within the Grade I Registered Park and Garden (RPG) and the Warwick Conservation Area and the wider setting contains the Grade I listed Castle, a Scheduled Ancient Monument.

The application site for the proposed development put forward in this application is split into two separate parcels of land, both edged red on the submitted site location plan. The first, is the site of the proposed hotel, which would cover part

of Bays 9/10 of the Stratford Road Car Park together with land to the south of the existing Knight's Village restaurant and land in between.

Bays 9/10 comprise a tarmac car park, accessed via the Castle entry off Stratford Road to the west. Land around Bays 9/10 and to the south of the Knight's Village restaurant is managed grassland with structural landscaping and tree planting. Trees make a significant contribution to the site, the RPG and the Warwick Conservation Area. Trees are well managed and are generally in good condition, although typically the ash trees are showing signs of Ash Dieback. A group TPO covers an area to the south of the proposed hotel site.

Saltisford Brook runs west to east to the south of Bays 9/10 and meets the River Avon, approximately 125m to the east. An 8m exclusion zone must be retained around the brook for the Environment Agency to conduct routine maintenance when required. Most of the application site is within Flood Zone 1 (low probability of flooding) while land alongside Saltisford Brook is within Flood Zones 2 and 3.

Levels generally slope downwards across the site north to south. The Knight's Village restaurant is raised above existing ground level.

The nearest residential dwellings are those in Stuart Close to the west. At the closest point, these are between approximately 43m and 50m away (when measured from the nearest corners of the proposed hotel building) and are separated from the site by a landscape buffer.

The second red line site area relates to a strip of land that wraps around the north and west boundaries of Leafields which is currently pastureland. To the north and west of this part of the site are existing dense woodland belts; The Lilacs lies to the west while further woodland to the north separates the site from the Knight's Village. This is entirely within Flood Zone 1.

PLANNING HISTORY

While there is extensive planning history within the wider Castle site, including near to the application site, only the records of direct relevance to the site and its immediate surroundings have been summarised below.

W/17/1485 - Proposed use of land as a temporary medieval glamorous camping site for approximately 5 months between 1st May and 30th September each year up to and including 2022 at Foxes Study, Warwick Castle - Granted

W/15/1203 - Erection of 16 permanent semi-detached lodges (32 units) providing visitor accommodation, a facilities building (including, but not limited to reception, restaurant, kitchen and toilets), a sub-station, boardwalks, re-alignment of the existing perimeter footpath, part widening of the existing internal access road, lighting, boundary treatment, landscaping works and associated infrastructure works (including surface water drainage) - Granted

W/14/1809 - Proposed use of land as a temporary medieval glamorous camping site for approximately 5 months between 1st May and 30th September each year up to and including 2017 at Foxes Study, Warwick Castle - Granted

W/13/1781 - Proposed use of land as a temporary medieval glamorous camping site for approximately 5 months between 17th May 2014 and 9th September 2014 only at Foxes Study, Warwick Castle - Granted

RELEVANT POLICIES

- National Planning Policy Framework

Warwick District Local Plan 2011-2029

- PC0 - Prosperous Communities
- BE1 - Layout and Design
- BE3 - Amenity
- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- HE4 - Archaeology
- CT6 - Warwick Castle and St Mary's Lands, Warwick
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape

Guidance Documents

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

SUMMARY OF REPRESENTATIONS

Warwick Town Council: Support for the following reasons:

- The design has been sensitively thought through
- Historic England, Conservation and Ecology comments have all been considered
- There is a lack of accommodation in Warwick
- The proposal is positive for the future of the Castle and the town

Ward Councillor Bartlett:

"As declared in my disclosable pecuniary interests I am an employee of Warwick Castle. For total transparency I am a member of their senior leadership team but given the sensitivities of this application I have excluded myself from any consultations or public engagements. Equally I have referred all ward resident enquiries to Cllr Ashford."

Historic England: The proposal would lead to 'less than substantial harm' and recommends the planning authority ensures there is a clear and convincing

justification for the proposals and sufficient public benefit to outweigh the harm identified. The original plans for tree planting proposed in the biodiversity net gain area at Leafields have been reconsidered in light of original concerns raised and the revised landscape plans have now addressed the comments previously made.

WDC Conservation: No objection; while the proposals amount to 'less than substantial harm', there is a clear justification and business case which satisfactorily outlines a range of public benefits such that the development accords with both national and local policy.

WCC Landscape: Comments regarding the methodology applied in providing viewpoints and assessing the landscape and visual impacts, reiterating the sensitivity of the landscape setting, however, if Historic England is satisfied there are no significant adverse landscape impacts, then no further objection is made. Comments also made regarding the types of planting proposed, acknowledging that revised plans now illustrate more suitable species and noting that the play area intends to retain all trees and incorporate measures to protect tree roots.

Tree Officer: No objection, subject to condition

Open Space: No objection to the principle of development; some comments made in respect of planting species, materials for footpaths, details of play area etc.

The Gardens Trust: Objection; Foxes Study should be afforded greater significance than it is given in the submitted Heritage Statement and other supporting information. The hotel constitutes further unwelcome expansion within this sensitive and aesthetically significant area of the historic designed landscape. In the event the development is considered less than substantial harm the extent to which the public benefits outweigh this harm is questioned.

WCC Ecology: No objection subject to conditions

Natural England: No comments to make

WCC Highways: No objection

Health & Community Protection – Environmental Sustainability: No objection, subject to conditions relating to construction management plan, noise, EV charging points and lighting.

LLFA: Objection due to insufficient information (at the time of writing this report) [Officer note – this has been discussed further with the LLFA and a Technical Note setting out a suitable drainage strategy is expected by 15th April (after the completion of this report) which would result in the need for a pre-commencement condition securing the detailed design. This approach has been initially agreed by the LLFA so subject to the receipt of the Technical Note and confirmation of no objection from the LLFA this would ensure suitable drainage proposals for the development.]

Environment Agency: No objection subject to condition

WCC Archaeology: No objection subject to condition

Public Response:

91 objections (including a number of duplicate comments from the same individuals and not all of whom are local residents) received raising the following concerns:

- There is a danger of overdevelopment of the site
- The proposal would be out of keeping with the surrounding area
- It would impact on important views
- There would be a direct impact on the historic Castle and its setting
- Such development poses a threat to biodiversity
- There would be a threat to protected species
- Harmful impact on trees
- Impact on residential amenity
- Concerns about noise and light pollution
- Concern about construction noise and associated impacts to neighbours
- Potential for increased noise from delivery vehicles to the hotel
- This development would lead to an increase in traffic in the town
- The hotel results in a loss of parking
- There would be insufficient parking for the hotel
- There would be insufficient EV charging points
- The proposals would be detrimental to pedestrian safety
- This would have a negative impact on local businesses

Other non-material considerations made, including:

- Notification process / publicity of the application
- Lack of local engagement from the Castle
- There is no need for this hotel
- Why haven't alternative sites for a hotel been considered?
- What implications might the approval of this scheme have on future plans; i.e. further development or enlargement of the hotel?
- References to the Ward Councillor's position at the castle and whether there is a conflict of interest

Other comments made based on incorrect information/misunderstanding of the proposals, including:

- The hotel will be 60m in height [officer note – this is incorrect; design and size is covered in the report]

Other objections received from:-

Conservation Advisory Forum (CAF)

- Objection for the following reasons: There is significant concern that the anticipated economic benefits for Warwick would not materialise nor would they justify the substantial, potential harm
- Convincing justification of the public benefits is considered to be lacking
- The visual design is lacking in innovation

- This would be the first visible building when entering the site from the Stratford Road entrance; the massing and design could undermine perceptions of the historic value of the wider surroundings of the site
- the current proposals are considered detrimental to the significance of the Registered Park and Garden and setting of Warwick Castle

12 support comments received (including from the Warwick Chamber of Trade) raising the following matters:

- The hotel would provide full time and part time employment for local people
- Guests would be within walking distance of the services and attractions in the town centre
- Sustainable developments such as this should be supported as they are vital to a town like Warwick
- The Castle brings tourism to the town; local people should embrace what it offers the town and the money it brings to restaurants and coffee shops
- The hotel would have very little visual impact on the area and will benefit the community
- The owners of the Castle invest substantially not only in generating visitors but also in the upkeep and preservation of the building
- A scheme such as this would continue to deliver vital revenue for future investment
- The Castle is a major contributor to the economy of the town which is a major tourist destination but there is a shortage of hotel accommodation which this would help to address
- The proposals appear well considered and sensitive to the surroundings
- The opportunities this development would create for local people, local businesses and the halo effect this will cause from the increase in demand for visitors travelling and staying in the Warwick area is a positive and much needed injection to the future of the local economy

ASSESSMENT

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

- The principle of development including the impact on the heritage assets;
- Design and visual impact;
- Impact on residential amenity (including impacts from noise);
- Access, highway safety and parking;
- Trees and landscaping;
- Ecology and biodiversity net gain;
- Archaeology;
- Drainage and flood risk; and
- Climate change and sustainability, including BREEAM.

Principle of development (including the impact on Heritage Assets)

National and Local Policies

Policy CT2 of the Local Plan refers to new hotels in the town centres or elsewhere within urban areas where it can be demonstrated that the development is easily accessible using sustainable forms of transport such as walking, cycling and public transport. While this is a relevant policy, officers consider it is not applicable in its strictest sense given the proposed hotel is intended to support the Castle and accommodate day trip visitors who are there already, as opposed to it being more of a destination hotel. While policy CT4 refers to extensions to tourism, cultural or leisure facilities, this is specifically in rural areas so is also not considered strictly applicable as the location of the Castle is not considered to be rural.

While it is not required by the policy given the location of the proposal, an assessment of alternative sites has been undertaken by the applicants and appended to the submitted Planning Statement. This demonstrates a lack of sequentially preferable alternative sites within the catchment of Warwick Castle that could accommodate a hotel to serve it. No town centre or edge of centre sites within a 5km radius of the Castle are considered suitable or available to accommodate the proposed development. Previous conversion options have also failed largely due to heritage constraints hindering the ability to convert the building into family sized rooms which is critical to the success of a Castle related hotel.

Overall, officers are content that the development accords with the aforementioned policies insofar as they are relevant to the particular and quite unique circumstances applicable to this proposal.

Policy CT6 of the Local Plan is the most relevant principle policy as this relates specifically to Warwick Castle (and St Mary's Lands) and states that development at the Castle will be permitted where it is brought forward in line with an approved Masterplan setting out the development principles and broad areas for development, indicating the type of uses proposed and a Conservation Plan for the historic asset. The Masterplan will provide the framework within which planning applications will be determined and will:

- a) Identify the physical and economic context;
- b) Identify the development principles to underpin future development proposals;
- c) Identify the significance of heritage assets within the vicinity, setting out how these will be sustained and enhanced;
- d) Identify the location of developments, demonstrating how proposals will relate to the heritage assets and how they will enhance the positive contribution the asset makes to sustainable communities and to the character and distinctiveness of the area; and
- e) Identify how the proposals support the vitality and viability of the local economy.

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

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

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

The NPPF paragraph 190 states that the wider social, cultural, economic and environmental benefits that the conservation of the historic environment can bring should be taken into account and paragraph 197 recognises the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; and the positive contribution that conservation of heritage assets can make to sustainable communities, including their economic vitality.

The NPPF paragraph 199 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. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Substantial harm or loss to heritage assets of the highest significance, including Grade 1 Listed Buildings and Grade 1 Registered Parks and Gardens, should be wholly exceptional. Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Local Plan Policy HE1 reiterates the principles of the Framework, stating that development will not be permitted if it would lead to substantial harm or total loss of the significance of a designated heritage asset, unless it is demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or where certain criteria set out within the policy have been demonstrated. Where development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposals, including securing the optimum viable use.

While Policy HE4 'Protecting Historic Parks and Gardens' was deleted from the New Local Plan by the Inspector, some of the text has been carried forward in the explanatory text of Policy HE2 (Conservation Areas) and states that Historic Parks and Gardens are an important cultural, historical and environmental asset within the District and the Council wishes to ensure they are protected, maintained and restored.

Warwick Castle Masterplan

A final draft of the Warwick Castle Masterplan was submitted to the Council in December 2019 following a public consultation undertaken by the Castle and addressing comments from officers. Section 7 of the Masterplan which relates to the concept and guiding principles of development was endorsed by the Executive Committee in February 2020.

Within the Masterplan, 'accommodation options' are identified as No.8 on the illustrative map which highlights the various upcoming proposals and projects, ranging across heritage restoration works, visitor experiences and operational infrastructure. The hotel falls within the category of visitor experiences.

The Masterplan considers accommodation in the round, stating that the diversification of visitor attractions by providing on-site accommodation is well established in many locations. Given the existing accommodation at the Castle (in the form of medieval themed glamping) has proved successful and attracted visitors to stay, the Castle has given consideration to whether additional accommodation, in a different form, may encourage more visitors to stay on site.

The Masterplan considers a hotel with around 60-80 rooms in an appropriate location, with such an appropriate location being Bay 10 of the Stratford Road car park. It considers the significance of the relevant heritage assets, an assessment of the likely impacts and lists some key development/design principles. With respect to the latter, should development come forward around Bay 10, it is noted that a building that remains lower than the tree line and that preserves the significance of the historic landscape could be achieved, acknowledging that careful consideration would need to be given to trees and ecology as well as the need for possible additional planting.

The Heritage Assets

Warwick Castle Park is a heritage asset of the highest significance. It is the only historic park and garden within Warwick District to be included on the national Register of Parks and Gardens (RPG) at Grade I. The Park provides the immediate setting for the Grade I Listed (and part Scheduled Ancient Monument) Warwick Castle. Both the Castle and the Park are located within the Warwick Conservation Area.

The setting of the Castle includes the River Avon to the east, south and southwest, and the long ranging views of the wider landscape from the Mound which, historically, offered the greatest vantage point across the land as part of the Castle's defensive system. Beyond the immediate Park and Garden the countryside is visible in the distance. The setting contributes greatly to the significance of the Castle by illustrating the commanding position of the fortification over the surrounding town and countryside.

The site of the proposed hotel (Bays 9 + 10 of the Stratford Road car park) is approximately 400m southwest of Warwick Castle and sits north of the Knight's Village seasonal glamping site and restaurant building (the latter being a permanent feature). This is within the northern part of Foxes Study wooded area and the hotel would be located within a former woodland belt immediately north

of Foxes Study. These areas were planted between 1786 and 1806 to provide screening from Castle Park to the wider area, creating a sense of extensive landscape setting however in 1981, much of this woodland belt was tarmacked to provide car parking for Castle visitors. It does benefit however from visual concealment from the remainder of Castle Park and the listed buildings within it by the surviving woodland belt at the western boundary of Pageant Field which provides a solid edge to the Castle grounds.

The impact on the Heritage Assets including mitigation

The proposal involves the erection of a 60-bed hotel on Bays 9/10 of the car park, an elevated walkway connecting it from its southern end to the existing Knight's Village Restaurant and an extension to the restaurant building, together with a play area to the south of the restaurant.

The submitted supporting information from the applicant considers the potential effects of the proposal on the significance of the following assets: Warwick Conservation Area, Warwick Castle Registered Park & Garden (Grade I), Warwick Castle (Grade I and Scheduled Monument), Conservatory (Grade II*) and a portion of boundary wall abutting the west part of Castle Lane (Grade II). Through a comprehensive assessment within the submitted Heritage Statement as well as revised landscaping plans and additional details about the play area which were submitted during the course of the application, the applicants conclude that the proposals would preserve the significance of the RPG, Conservation Area and the surrounding listed buildings and therefore accords with the relevant statutory and policy considerations. Nonetheless they have also set out a list of what should be considered as the public benefits associated with the proposals which should be given weight in determining the application.

The proposals have also been comprehensively considered by Historic England, the Conservation Officer, the Gardens Trust and the County Landscape Officer. The original comments from these consultees prompted the submission of some revised landscaping plans together with additional detail to clarify the extent of the play area and the type and scale of equipment proposed within it.

Historic England, consistently throughout their consultation responses has advised the proposals for a new hotel, the extension to Knight's Village Restaurant and the new landscaping have been located and designed to minimise heritage impact. They are satisfied that the proposed screening, combined with the proposed height and massing of the building, will ensure that the hotel is not visible from outside of the car park including in key designed views and in addition, they are content with the materials and overall design of the hotel which have been chosen to co-ordinate with the existing Knight's Village development. They do note however that the introduction of a new building will further erode the separation between the town and the designed landscape of the park as well as the integrity of the RPG. It is concluded however that this degree of harm amounts to 'less than substantial' (to the significance of the RPG) and recommends that the local authority conservation officer should be satisfied that there is a clear and convincing justification for the proposals and sufficient public benefits to outweigh the level of harm identified.

In response to the proposed biodiversity net gain area which adjoins the site of the Leafields overflow car park, a number of new trees were originally shown in the 20m buffer zone to the east of The Lilacs which Historic England raised some concern over. From a historic landscape point of view this would have altered the boundary of the woodland resulting in some loss of the integrity of the historic layout of the registered park in this area. This in turn also would have amounted to 'less than substantial harm' however revised landscaping plans have been submitted which show a reduced number of new trees being planted in this area. This is in line with the recommendations of Historic England who has raised no objection and it is noted that these works, albeit of a reduced scale, still ensure the appropriate amount of biodiversity net gain (covered later in the report).

The Conservation Officer raised no objection to the development. Foxes Study has historically seen very little built form (with the exception of the recent Knights Village) and a considerable area of the grounds to the southwest of the Castle is now intended to be for the purpose of visitor accommodation. It is inevitable that some form of harm to the significance of the Grade I RPG and the wider setting of the Castle will be caused, however, due to the current contribution the site makes to the significance of the RPG and the setting of Warwick Castle, this harm is considered to be less than substantial.

In accordance with the recommendations of Historic England and the relevant tests set out in the NPPF officers consider there is a clear justification presented for this development in the accompanying information submitted with the application. This is considered in further detail under the following heading of this report which looks specifically at the public benefits necessary to outweigh the level of harm identified.

In response to some points of clarification sought by the conservation officer and by way of proposing mitigating factors to further minimise the impacts of the development, the list below provides a summary of the proposals as revised together with mitigation where possible and clarification over the proposals:-

- The use of the nearby land for glamping has a temporary seasonal use which is due to expire at the end of the season 2022 (September 30th) – it is confirmed that the Castle will be seeking to extend the current permission because it forms an important part of the accommodation offer and provides economic/heritage benefits;
- It is noted however that the reduction in the number of pitches or the removal of this aspect of the accommodation altogether is not something on which the response of 'no objection' from the conservation officer is dependent; the positive response received is based on this use still being in place;
- The previous permission for the glamping site included an additional lodge (lodge 09) which has never been built. It is now proposed that the site of the play area would be located in the same area rendering lodge 09 unable to be built in the future;
- Lodge 12 has also never been built and while just outside the red line site area for this application would sit just to the south of the proposed play

- area. With both of these lodges being rescinded, this would make a significant contribution to a reduction in the overall volume of structures;
- A Unilateral Undertaking is the mechanism through which to secure these two lodges are rescinded from the earlier permission which would ensure they cannot be built at a later stage (though part of these current proposals would physically prohibit the construction of lodge 09);
 - Set-backs on the hotel building would be one way to reduce the perceived mass, as suggested by the conservation officer. However, to do so would result in the loss of bedrooms and push the development further back into the root protection zones which would result in the loss of trees. Instead, detailing has been added to the elevations to add depth and visual interest;
 - The above point includes darker stained timber detailing to the cladding, a pronounced overhang at roof level, a change between roughcast render at low level and stained timber cladding at high level and windows with deep set reveals.

The above, together with further details which have since been submitted of the play area, which indicates maximum heights and overall parameters within which the play area and equipment would be fixed, has resulted in an overall 'no objection' from the conservation officer who has confirmed the proposals comply with paragraphs 200 and 202 of the NPPF, as well as HE1 and CT6 of the Local Plan.

Public benefits

Officers consider that the scale of development, mostly resulting from the introduction of new built form into the area of the car park, would inevitably result in some level of harm, albeit that level of harm is considered to amount to 'less than substantial'. In accordance with the tests set out in the NPPF this means the public benefits of the proposal must be considered and weighed against the level of harm to establish whether or not the harm is outweighed.

Within the supporting information provided by the applicant there is a document entitled 'Economic Impact and Business Case' which outlines a range of public benefits associated with the proposal. By way of a summary, this includes an additional estimated annual spend of £1.9 – 2.6 million by visitors into the local economy, the creation of 29no. jobs and a further £1.1 million GVA (direct and indirect p.a.), with an additional 16 supply chain roles (indirect/induced jobs).

To add to the above, the Economic Impact and Business Case document considers the construction impacts and advises that the development can be expected to support 123 direct FTE jobs over the construction phase and that during the construction phase, local suppliers and contractors will be used extensively further supporting employment and the economy of the region. It also considers the indirect and induced employment that will likely arise from the construction phase and anticipates the development could support an additional 137 spin-off FTE jobs annually over the construction phase. While it is acknowledged these would be distributed across the UK economy, it is expected that businesses within Warwick District would benefit from trade linkages established during the construction phase of the development scheme.

The document considers in detail, direct and indirect employment (summarised above) the economic output and additional expenditure. The latter draws on data from Visit England which identifies the economic impact of day visits and overnight tourism to Warwick District, and it uses this data to calculate the economic impact of the proposed hotel. As a final point, it stands to reason that the additional spending on the Castle site will also sustain the viability of the operations and will support ongoing maintenance and enhancement projects.

In conclusion, the document demonstrates that the proposed development represents a significant new capital investment in the area which would help to increase Warwick's hotel capacity and enhance the profile of Warwick's tourism sector. Cumulatively, these factors are afforded considerable weight in the overall determination.

In addition to the above figures and other facts reported in the aforementioned document, the scheme also supports Warwick's economic recovery from the global pandemic via additional overnight stays and increased visitor spend locally. The additional revenue generated by the proposal contributes towards the Castle's 10-year restoration plan, in addition to future projects identified including south front windows repairs, works to the chapel, major masonry repairs to north and east curtain wall and works to stables, boundary walls and lead roof replacement. All of this combined is considered to amount to the required public benefits necessary to outweigh the less than substantial harm identified to the heritage assets (principally the setting of the RPG).

As a final point, the contribution that the Castle makes to the economy of the town and region is significant and the benefits of the development in terms of supporting the Castle in its function as a major tourist attraction for the town (and region) is a material consideration in the assessment of the scheme. The NPPF paragraph 190 states that the wider social, cultural, economic and environmental benefits that the conservation of the historic environment can bring should be taken into account and paragraph 197 recognises the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; and the positive contribution that conservation of heritage assets can make to sustainable communities, including their economic vitality.

Conclusion on principle of development / heritage assets and impact / public benefits

Overall, officers are satisfied that the development is acceptable in principle having regard to Policy CT6 and the Masterplan. In addition, the impacts on the relevant heritage assets, taking into account all the consultation responses with specific regard to the heritage and historic landscape matters as well as the amendments that have been made in respect of tree planting and other landscaping matters, are considered to amount in a degree of harm considered to amount to 'less than substantial harm'. Accordingly, the public benefits arising from these proposals have been considered and officers are satisfied that in this particular instance, a sufficiently clear and convincing argument has been demonstrated which outweighs the degree of harm identified.

Notwithstanding the above, any forthcoming permission would still be subject to a Unilateral Undertaking to secure the rescinding of lodges 09 and 12 which formed part of the earlier planning permission for Knights Village.

In considering the objection from the Gardens Trust, officers have had regard to the fact that in their opinion Foxes Study should be afforded greater significance that it has been given in the applicant's Heritage Statement. Notwithstanding this, Historic England and the Conservation Officer have not disagreed with the content and overall conclusions drawn from the applicant's supporting information in this particular regard. While the claim that the hotel would constitute further unwelcome expansion in this sensitive area of the historic landscape is not dissimilar, in principle, with the comments from Historic England about further erosion of the separation between the town and the designed landscape of the park, there is disagreement between the Gardens Trust who do not consider a sufficient justification and business case has been put forward, while it is the expert opinion of the Conservation Officer that sufficient justification has been demonstrated.

Overall, officers are satisfied that the principle of development is acceptable as set out above and the impacts on heritage assets is also considered acceptable in light of the examination of the public benefits which are considered to outweigh the harm identified. The proposals therefore accord with Policies CT6 and HE1 of the Local Plan, paragraphs 199, 200 and 202 of the NPPF.

In making this assessment, officers have had regard to the weight that should be given to the desirability of preserving the special interest and setting of the heritage assets.

Design and visual impact

The design of the hotel has been covered in the context of its heritage impacts. However, for the avoidance of doubt, it is noted that the hotel building would have a maximum ridge height (at its tallest three storey height) of 12.2 metres while the two storey end (nearest to the properties in Stuart Close) would have a ridge height of 9.1 metres.

The building has been designed to echo the existing Knight's Village Restaurant building; it would be hipped with timber framing detail to replicate the same medieval design principles of the existing Knight's Village. The proposed materials for the structure are consistent with the existing timber lodges within Foxes Study and would incorporate rough cast render to the base of the building with waney edge shiplap timber boarding to the upper floors and period style casement windows to match Knight's Village. The roof would be covered in cedar shingle which also matches Knight's Village.

Plans for the extension to the restaurant building are the same so the finished building would appear aesthetically the same as existing. The elevated walkway which would connect the hotel to the restaurant would also match the finished appearance of the existing walkways and would have a timber finish.

Conditions would be required of material samples for all built elements of the proposals together with large scale details. Additionally, while sufficient details of the play area have been submitted thus far, demonstrating that the parameters, overall scale and maximum dimensions proposed would not have a detrimental impact, a condition requiring the final details of the play equipment proposed is recommended to ensure that the finished appearance is in keeping with and appropriate to the surrounding setting and historic landscape sensitivities.

Overall, officers are satisfied that the development would be acceptable in visual terms and therefore consider it accords with Policy BE1 of the Local Plan.

Impact on residential amenity

The properties in Stuart Close would be the nearest to the site of the proposed hotel and the extension to the restaurant. In terms of the restaurant extension, it is noted that the nearest property in Stuart Close is approximately 65m from the north facing elevation of the existing restaurant building. The proposed extension would be at its southern end and therefore further away from the neighbouring properties. Officers therefore do not consider the proposed extension to the restaurant would result in any physical harm to neighbouring amenity by reason of overbearing, loss of light or loss of privacy.

The proposed hotel would be closer, located at its nearest points between 43m and 60m from Nos. 6 - 30 Stuart Close (these measurements are between the rear elevations of neighbouring properties and the corner points of the hotel due its orientation). The minimum distance separation between two storey buildings where the upper floors contain only bedrooms is 22m. The proposed hotel is two storeys at its northern end (closest to neighbours) but due to the levels difference across the site, would increase to three storeys at its southern end. For the avoidance of doubt, officers have applied the distance separation guidelines which relate to three storey to two storey buildings. Since this is 32m and the closest distance between a property and the corner of the hotel is 43m, officers are satisfied there would be no material harm by reason of overbearing, loss of light or loss of privacy resulting from this proposal.

Added to the above is the orientation of the hotel which would be such that there would be no direct facing relationships between buildings. Instead, neighbours in Stuart Close would look towards an angled wall where only oblique views of windows would be afforded. Notwithstanding the proposed layout and resulting relationship between the new development and the nearest existing properties it is important to note that there is significant tree planting and other vegetation which creates a substantial buffer between the building and where there are some existing gaps, it is proposed to plant additional trees and other landscape features which would minimise any perception of bulk and mass or overlooking.

Impacts resulting from potential noise

The Environmental Health Officer has considered all of the supporting documents and information submitted with the application and raised no objection to the

proposals subject to a number of recommended conditions, some of which focus on noise impacts and suitable mitigation.

In order to minimise any adverse impacts on residential amenity during the construction phase a construction management plan will be required by condition. In order to minimise any adverse noise impacts arising from the proposed hotel service yard at unsociable hours it is proposed to limit the hours between which deliveries or waste collections can take place. A maximum noise levels condition is proposed to ensure that any plant or equipment necessary to serve the development does not impact on residential amenity.

With respect to the more general concern from residents about the potential for noise and disturbance arising from the day-to-day operation of the hotel, it is deemed necessary and reasonable to require by condition the submission of a Noise Management Plan. This could include (but is not limited to) for example, arrangements for managing check in times and minimising arrivals at unsociable hours, the monitoring and supervision of customer behaviours, arrangements for both receiving and investigating as well as documenting any complaints from local residents and the provision of information to customers prior to arrival that will help reduce adverse impacts on amenity.

Having regard to all of the above, officers are satisfied that the proposal is acceptable in this regard and accords with Policies BE3 and NE5 of the Local Plan.

Access, highway safety and parking

At the outset, it is important to note that this is not a typical application for a standalone hotel but rather an integral part of the tourist offer available at Warwick Castle. The way in which this is envisaged to operate is the hotel will offer overnight accommodation to those visitors to the Castle who are there already, rather than acting as a destination hotel. With that in mind, a Transport Statement together with other supporting information, some of which was subsequently sent at the request of the Highway Authority, clearly demonstrates this development is not anticipated to generate any additional car trips. It also demonstrates that guests are more likely to arrive/depart outside the typical peaks for the Castle (opening and closing times) and accordingly there should be no discernible difference in the number of vehicles accessing the site.

While there would be an uplift in staff numbers, this has been factored into the Transport Statement and other traffic data presented with the application. Ultimately, such trips would be unlikely to occur during peak hours beyond those which are already experienced.

Access arrangements remain as per the existing situation; the Castle entrance off Stratford Road which leads to Warwick Castle Drive would be unaltered and all visitors to the Castle, who may also be staying overnight at the hotel, would enter via these existing arrangements.

The Highway Authority raised some initial concern about associated vehicle movements within Warwick town but additional information was submitted to

address and clarify these points. In consultation with the Transport Planning unit, the County Highway Authority has assessed all of the available information and concluded that the details provided are acceptable and that the impact of the development based on the identified trip generation is negligible. To that end, the proposals are considered to have no highway capacity or safety implications and the response is one of no objection.

With regard to deliveries, it is worth noting that large vehicles, including HGV's, already access the Castle grounds via Warwick Castle Drive to service the Knight's Village and when events are running. The service yard for the hotel is accessed off Castle Drive and it would be screened from residential properties by existing trees and new landscaping which would also provide an acoustic barrier. The bin store is within a fenced enclosure which would provide screening and noise mitigation. A condition is also recommended (as set out in the previous section of this report) which limits the hours of delivery and any other noise generating activities.

With respect to parking, the supporting information identifies that the proposed hotel would result in the loss of 65no. car parking spaces from the Stratford Road car park. To reiterate the basic premise of this application; this is not a standalone hotel intended as a destination in its own right. Its purpose is to support the Castle in the sense that it would cater to some of its visitors who are already there and wish to stay overnight.

With that in mind, it is officers' opinion that the adopted Parking Standards which require 1 space per bedroom does not strictly apply in the same way it would if a standalone hotel were being built elsewhere. In that sense car parking provision for the hotel or Castle visitors in general does not stop at the red line boundary and instead, the loss of parking spaces should be considered within the context of two considerations; one being the parking provision across the wider Castle grounds and at the overflow (Leafields) and additionally, the seasonal operation of the Castle which means that visitor numbers and consequently parking, varies significantly over the year.

In this context, officers are of the opinion that parking provision is sufficient to accommodate visitors to Warwick Castle and so mitigate against parking locally on residential streets and within the Town Centre where provision is limited. Moreover, since there will be no additional trip generation from the hotel on the basis that the guests staying overnight will already be travelling to the site as a day trip, there would be no materially greater demand on parking as a result of the hotel.

There is adequate parking provision across the existing car parks at the Castle, the need for which is not anticipated to increase as a result of the hotel for the reasons set out above. Accordingly officers are of the view that there would be sufficient parking for visitors to the Castle, including hotel guests, within the Stratford Road and Stables car parks with scope for additional parking at Leafields. Even taking into account hotel guests, the use of the new car park to the west of Leafields will continue to operate in the same way as the existing car park which is one of fluctuating capacity linked to seasonal use i.e. its maximum capacity will rarely be reached (only occasionally in summer when events are running) and in

the winter months (generally from November to February), except for one off events, Leaffields car park will not be used at all.

Within the red line boundary it is noted that the hotel would provide a total of 5no. accessible parking spaces close to the hotel entrance and 6no. EV charging spaces with infrastructure installed to provide more spaces in the future. There are also 5no. designated motorcycle spaces in the Stratford Road car park although motorcycles can use any of the car parking spaces at present and these spaces would serve the hotel.

Having regard to all of the above, officers consider that in these particular and quite unique set of circumstances there is little merit in focusing on the loss of a specific number of spaces to facilitate the hotel development given the level of parking provision across the Castle grounds in any case, particularly given visitors to the hotel will also be visitors to the Castle in any case. The key points are that there is sufficient on-site parking to accommodate visitors which negates detrimental off-site impacts and there would be no adverse impact on the highway network, as confirmed by the Highway Authority in conjunction with the Transport Planning Unit.

Officers are satisfied overall that the development would not be detrimental to matters of highway safety and therefore consider it accords with Policy TR1 of the Local Plan.

Trees and landscaping

A Tree Survey, Impact Assessment, Arboricultural Method Statement and Tree Protection Plan have all been submitted with the application and considered by both the Tree Officer and the County Landscaper Officer. The survey identifies a total of 23 trees which would be lost, some of which are diseased and are expected to die within the next few years in any case; the remaining trees are not of exceptional merit. It is noted that two trees form part of the group TPO however both are diminutive and their contribution to the overall amenity is limited. The loss of these 23 trees is mitigated for however, on a one for one replacement basis through new trees being planted in the car park, close to the hotel. It is noted that there is scope to plant further trees over and above those shown on the landscaping plans, which would effectively fill gaps in the main car park and provide discreet parkland planting in the landscape buffer at Leaffields. Mindful of the Council's tree planting ambitions across the District, the final details for this additional planting are to be secured by condition. Overall, the identified tree loss is mitigated for on a one for one basis and the additional planting would be over and above the requirement for replacement planting, representing another benefit of the proposals.

The Tree Officer is satisfied with the level of survey work and supporting information undertaken and submitted with this application. Having considered it, he confirms that the arboricultural information is thorough and clearly presented and accordingly concludes that there is no reason to suggest the development as proposed should not proceed on tree-related grounds. A condition is recommended requiring the measures set out in the submitted surveys and other documents are

adopted and the development thereafter implemented in full accordance with such measures.

In terms of the general impact on the landscape, some initial concerns were expressed by the County Landscape Officer but in part the recommendations conflicted with the guidance and recommendations of Historic England and the conservation officer. Given the sensitivity of the historic landscape, it is officers' opinion that the comments of both Historic England and the conservation officer should be fully satisfied with any other comments regarding specific planting species and from where viewpoints have been considered being addressed, wherever possible thereafter.

Accordingly, revised plans have been submitted, which primarily seek to address the recommendations of the heritage consultees, although it is noted that these revisions also include other details which go some way to addressing the comments of the Landscape Officer.

Officers are satisfied with the extent to which key viewpoints have been assessed in the submitted supporting information; three key viewpoints were agreed with Historic England and these are: localised within the Stratford Road car park, a view from within Pageant Field and the panoramic view from the top of Guys Tower. A number of possible options for the siting of the hotel were considered before the final layout was selected. This location is considered the preferred option in view of its localised impacts, which would be confined to the car park and Historic England confirm in their response that the proposals have been located and designed to minimise heritage impact.

Revised landscaping plan and planting proposals have been updated to reflect as much of the Landscape Officer's comments as possible, however, officers note that there are references remaining to the use of some exotic planting for example, because, while not native species, this would assimilate into the existing setting which already incorporates the use of some exotic planting. This point in particular was picked up by Historic England who advised that the use of some exotic planting was wholly appropriate given the surrounding context.

Lastly, the Open Space officer provided some comments about specific aspects of the proposals including the play area, elevated walkways, footpath materials and fencing. Additional information has been provided to clarify any questions previously had in this regard and officers are satisfied that there are no objections in this respect.

Overall, in light of all of the above, officers are satisfied the development accords with Policy NE4 of the Local Plan.

Ecology and biodiversity net gain

In addition to proposed works within the red line site area for the hotel, a secondary site edged red accompanies these proposals which forms part of the overall application site and incorporates an area specifically reserved for works which would result in a biodiversity net gain as well as other mitigation measures.

An area of land to the north and west of Leafields (recently granted planning permission for use as the site of the relocated overflow car park from its existing use on land immediately to the east) measures 0.7ha and this forms part of the buffer zone to the approved overflow, creating even greater landscape buffers from the neighbouring properties to the west. These zones would be planted to consist of wildlife friendly, edge species, maintained at a maximum 1.2m height and fronted by a managed wildflower rich grassland. In addition, six parkland trees are incorporated into this area, which, although representing a much lower number of trees than originally shown on the plans, is a direct result of the recommendations of Historic England who were concerned at the drastic change of character to the historic landscape that would result with more trees than this planted. The agreed number of trees is the compromise to satisfy Historic England's recommendations whilst still ensuring the required biodiversity net gain is achieved.

The County Ecologist has considered all supporting documents, survey work, revised landscaping plans and most recently the updated LEMP for the site and no objection has been raised subject to the imposition of conditions requiring the development to be undertaken in accordance with the approved documents as well as conditions requiring the submission of a CEMP and details of any lighting if and when such infrastructure is required.

Having regard to the above, the proposals are considered to accord with Policies NE2 and NE3 of the Local Plan.

Archaeology

The proposed development lies within an area of significant archaeological potential. Based on the submitted information and consideration of their own records, the County Archaeologist has advised there is a potential for the proposed development to impact on archaeological remains dating from the prehistoric, Roman, medieval and later periods. No objection is raised in principle to the development however, but a condition is recommended which requires the submission of a Written Scheme of Investigation for a programme of archaeological evaluative work to be submitted and approved by the planning authority. Subject to the imposition of such a condition the development is considered acceptable in terms of its archaeological impacts and therefore accords with Policy HE4 of the Local Plan.

Drainage and flood risk

The sites of the hotel, the restaurant extension and the biodiversity net gain area at Leafields are all within Flood Zone 1, where there is low risk of flooding. A Flood Risk Assessment (FRA) was submitted with the application.

Notwithstanding the objection from the LLFA at the time of writing this report, the drainage strategy has been discussed at some length between the applicants and the LLFA and the content of a subsequent Technical Note, including the recommended strategies for drainage at the site, has been agreed between both parties. This is expected to be submitted to the Local Planning Authority by 15th April which is just after the date by which this report will have been published.

Subject to the agreed measures being stipulated within the Technical Note and no objection being confirmed by the LLFA, officers are satisfied that a suitable drainage strategy can be implemented and accordingly it is expected that the development would accord with Policy FW1 of the Local Plan.

This matter will be reported via the committee updates.

Climate change and sustainability, including BREEAM

Policy CC1 seeks all new development to be resilient to and adapt to the future impacts of climate change through the inclusion of measures to mitigate against rising temperatures and increased flood risk through sustainable construction measures and the incorporation of sustainable drainage methods.

Policy CC3 requires all non-residential development over 1000 sq.m. to achieve as a minimum BREEAM standard 'very good' unless it can be demonstrated that it is financially unviable or a suitable alternative sustainability target is proposed and agreed with the Council.

A BREEAM Pre-Assessment report has been submitted with the application which concludes that the predicted score would be 66% and the rating 'Very Good'. For context, the 'Very Good' rating is anything in excess of 55% with 'Excellent' being over 70%. The prediction for this development is therefore seen as realistic and something which can be achieved through measures such as:

- Designing a thermally comfortable and safe building
- Designing an energy efficient building
- Minimising water consumption with low flow and water saver fittings
- Minimising waste from the construction and the operation of the building
- Controlling pollution and implementing risk reducing measures

The Pre-Assessment report also states that while 66% is realistic and achievable, the design team will push to achieve an even higher performance if at all possible as the project is developed further.

In view of the above, officers therefore consider that the proposal accords with Policies CC1 and CC3.

In addition to the above, the standard condition requiring the provision of EV charging points can be imposed on any forthcoming permission to ensure compliance with Policy NE5 and the Air Quality SPD.

Compliance with Policy FW3 in terms of water efficiency is to be secured by condition.

SUMMARY / CONCLUSION

The proposed development is considered to be acceptable in principle in accordance with Policy CT6 of the Local Plan as well as the relevant heritage policies, both nationally and locally. While the heritage impacts of the proposal are

considered to amount to less than substantial, sufficient justification has been presented by the applicant which sets out a range of public benefits associated with the development and this is considered to outweigh the level of harm identified.

In other respects, the impact on heritage impacts has been minimised through revised landscaping plans and by supplying additional information in response to the comments from heritage and other consultees.

The overall design and layout of the proposals is considered acceptable subject to appropriate conditions and there would be no detriment to residential amenity. The development would not result in additional vehicle movements to/from the site, there would be no detriment to highway safety and the parking across the site for Castle visitors as well as hotel guests is considered acceptable. Landscaping matters are considered acceptable along with the proposed measures to safeguard ecology and protected species and a biodiversity net gain would be achieved as a result of the works proposed in the area to the north and west of the Leafields overflow car park. Archaeology and drainage matters are deemed acceptable and appropriate regard has been given to climate change and sustainability in view of the major scale of development which warrants a BREEAM pre-assessment report.

As set out in the report a Unilateral Undertaking will secure the rescinding of Lodges 09 and 12 which formed part of the earlier Knight’s Village permission, one of which could not be built out in any case as it is on the site of the proposed play area that forms part of this application.

Subject to the satisfactory completion of the Unilateral Undertaking and the conditions listed at the end of this report it is therefore recommended that planning permission be granted.

CONDITIONS

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

- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 1456_500; 1456_505; 1456_506; 1456_507; 1456_508; 1456_513; 1456_514; 1456_516; 1456_518; 1456_519; 1456_520; 1456_521; 1456_522; 1456_523; 1456_524; 1456_525; 1456_526; 1456_527 and 1456_540, and specification contained therein, submitted on 28 January 2022, approved drawings 353/25_1 Rev.A; 353/25_2 Rev.A; 353/25_3 Rev.A; 353/25_4 Rev.A and PE0268, and specification contained therein, submitted on 24 March 2022, and approved drawing 1456_536 Rev.A and specification contained therein, submitted on 7 April 2022. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in

accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

- 3 No works of demolition or construction shall be undertaken unless and until a construction management plan has been submitted to and approved in writing by the District Planning Authority. The construction management plan shall include details of any temporary measures required to manage traffic during construction, plans and details for the turning and unloading and loading of vehicles within the site during construction, dust suppression, noise and vibration, demolition or clearance works, details of wheel washing, site working hours and delivery times, restrictions on burning and details of all temporary contractors buildings, plant and storage of materials associated with the development process. All works of demolition or construction shall be carried out in strict accordance with the approved construction management plan. **Reason:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029.
- 4 The development hereby permitted shall not be commenced unless and until a Design Stage Assessment by an accredited BREEAM assessor demonstrating how the development will be designed and constructed to achieve as a minimum BREEAM standard 'very good' (or any future national equivalent) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details. A Completion Stage Assessment by an accredited BREEAM assessor demonstrating that the development achieves as a minimum BREEAM standard 'very good' (or any future national equivalent) shall be submitted to the Local Planning Authority within 3 months of first occupation. **Reason:** To deliver reductions in carbon dioxide emissions, building running costs, energy consumption and water use in accordance with the provisions of Policy CC3 in the Warwick District Local Plan 2011-2029.
- 5 The development hereby permitted, including site clearance work, shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. In discharging this condition, the LPA expect to see details concerning pre-commencement checks for protected species (*badger, bats, breeding birds, reptiles, otters*) and appropriate working practices and safeguards for wildlife that are to be employed whilst works are taking place on site. This should include measures for the protection and avoidance of harm to the Saltisford Brook and the bankside 5m buffer both during and after construction. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full. **Reason:** To ensure that protected species are not harmed by the development, in accordance with the National Planning

Policy Framework (NPPF), ODPM Circular 06/2005 and Policies NE2 and NE3 of the Warwick District Local Plan 2011-2029.

6 No development on each phase shall take place until:

a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work has been submitted to and approved in writing by the Local Planning Authority for that phase.

b) the programme of archaeological evaluative fieldwork and associated post-excavation analysis and report production detailed within the approved WSI has been undertaken for that phase. A report detailing the results of this fieldwork, and confirmation of the arrangements for the deposition of the archaeological archive, has been submitted to the planning authority.

c) An Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) has been submitted to and approved in writing by the Local Planning Authority for that phase. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.

The development, and any archaeological fieldwork post-excavation analysis, publication of results and archive deposition detailed in the Mitigation Strategy document, shall be undertaken in accordance with the approved Mitigation Strategy document.

Reason: In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected where applicable, before development commences in accordance with Policy HE4 of the Warwick District Local Plan 2011-2029.

7 No development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality and to ensure an appropriate standard of design and appearance within the Conservation Area, in accordance with Policies BE1 and HE1 of the Warwick District Local Plan 2011-2029 respectively.

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

with such approved details. **Reason:** To ensure an appropriate standard of design and appearance within the Conservation Area, within the setting of listed buildings and within this sensitive historic landscape, in accordance with Policy HE1 of the Warwick District Local Plan 2011-2029.

- 9 No development shall be carried out above slab level unless and until final details of the play equipment proposed within the play area have been submitted to and approved in writing by the Local Planning Authority. Details shall include final designs and elevational details of the play equipment to be installed, together with a specification of the proposed materials and finishes. The development shall thereafter be carried out in accordance with the approved details. **Reason:** To ensure an appropriate standard of design and appearance within the Conservation Area, within the setting of listed buildings and within this sensitive historic landscape, in accordance with Policy HE1 of the Warwick District Local Plan 2011-2029.
- 10 Prior to the commencement of any soft landscaping shown on the approved plans of the development hereby permitted, a strategy for the planting of additional trees within the locations shown on plans 353/25-7 and 353/25-8 shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include details of position, species, size and arrangements for planting and demonstrate that there would be no detrimental impact on the approved LEMP or the BIA metric. Thereafter the development shall be carried out in accordance with the approved strategy within the first planting season following the approval of details. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.
- 11 No lighting or illumination of any part of any building or the site shall be installed or operated unless and until details of such measures (including details of all external light fittings and external light columns and hours of operation) have first been submitted to and approved in writing by the Local Planning Authority and such works, and use of that lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details. In discharging this condition the Local Planning Authority expects lighting to be restricted around the watercourse, tree canopies and no lighting around potential bat roosts; and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats. This should include low level lighting along the elevated walkway in keeping with the existing walkways in the Knight's Village. This could be achieved in the following ways:
- Narrow spectrum lighting should be used to avoid the blue-white wavelengths
 - Lighting should be directed away from vegetated areas
 - Lighting should be shielded to avoid spillage onto vegetated areas
 - The brightness of lights should be as low as legally possible;

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

Reason: To ensure that any lighting is designed and operated so as not to detrimentally affect the amenities of the occupiers of nearby properties and to ensure that protected species are not harmed as a result of any lighting installed, in accordance with Policies BE3 and NE2 respectively of the Warwick District Local Plan 2011-2029 as well as the NPPF and ODPM Circular 2005/06

12 Prior to the first occupation of the development hereby permitted, a Noise Management Plan relating to the activities to be carried out pursuant to this planning permission shall be submitted to and approved in writing by the District Planning Authority. Once approved, the agreed Noise Management Plan shall be implemented and thereafter all activities taking place pursuant to this planning permission shall be carried out in accordance with its provisions. **Reason:** To protect the amenities of occupants of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

13 Prior to the first occupation of the development hereby permitted, six 7kW (minimum) electric vehicle recharging points shall be installed. Once the electric vehicle recharging points have been installed, a technical data sheet for the electric vehicle recharging point infrastructure shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the electric vehicle recharging points shall be retained in accordance with the approved details and shall not be removed or altered in any way (unless being upgraded). **Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document.

14 Prior to the first occupation of the hotel hereby permitted, 15no. cycle parking spaces shall be provided in accordance with a detailed scheme which shall have first been submitted to and approved in writing by the Local Planning Authority. Thereafter those areas allocated for cycle parking shall be kept marked out and available for such use at all times. **Reason:** to ensure adequate cycle parking for the hotel in the interests of both highway safety and visual amenity in accordance with Policies BE1 and TR3 of the Warwick District Local Plan 2011-2029.

15 Prior to the commencement of the development hereby approved (including all preparatory work), the Keen Consultants Arboricultural Method Statement reference 1756-KC-XX-YTREE-MethodStatement-RevA dated January 2022 and their Tree Protection Plan reference 1756-KC-XX-YTREE-TPP01Rev B 5775/21-01 dated November 2021, together referred to as the scheme of protection, shall be adopted.

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

Reason: In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029.

16 The development shall be carried out in accordance with the submitted flood risk assessment (ref 'FLOOD RISK ASSESSMENT, WARWICK CASTLE: HOTEL AND EXTENSION TO KNIGHT'S VILLAGE RESTAURANT' P21-576 Issue No 1 dated 14/01/2022) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 0.9m above the 1000 year event.
- All built development with the exception of the raised walkway shall be sited within flood zone 1.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with Policies FW1 and FW2 of the Warwick District Local Plan 2011-2029.

17 The development hereby permitted shall be carried out strictly in accordance with the detailed Landscape and Ecological Management Plan (PE0266/HS dated March 2022, Harris Lamb). The approved measures within the LEMP shall thereafter be implemented in full.

REASON: To ensure protection of species and no net loss in accordance with ODPM Circular 2005/06 and the NPPF.

18 Any hard landscaping shown on the approved plans, including boundary treatment, paving and footpaths, shall be completed in all respects within the 6 months of the first use of the development hereby permitted. Any soft landscaping shown on the approved plans, including any tree(s) and shrub(s), shall be planted within the first planting season following that first use. Any tree(s) or shrub(s) removed, dying, or becoming in the opinion of the local planning authority seriously damaged, defective or diseased within five years from the substantial completion of the scheme shall be replaced within the next planting season by tree(s) or shrub(s) of the same size and species to those originally required to be planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance

of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.

- 19 Noise arising from any plant or equipment (measured as LAeq,5 minutes), when measured (or calculated to) one metre from the façade of any noise sensitive premises, shall not exceed the background noise level (measured as LA90,T). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **Reason:** To ensure that future occupants do not experience unacceptable levels of noise, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.
- 20 No deliveries or waste collections likely to cause nuisance to nearby residents shall take place before 08:00 hours or after 19:00 hours on Monday to Friday or before 09:00 hours or after 18:00 hours on Saturdays. There shall be no deliveries or waste collections on Sundays or Bank Holidays. **Reason:** To protect the amenities of occupants of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.
-

Planning Committee: 4 May 2022

Item Number: 6

Application No: [W 19 / 0531](#)

Town/Parish Council: Leamington Spa
Case Officer: Dan Charles

01926 456527 dan.charles@warwickdc.gov.uk

Registration Date: 07/05/19

Expiry Date: 06/08/19

Milverton House, Court Street, Leamington Spa, CV31 2BB

Outline application for the erection of two no. blocks of residential accommodation of up to 90 bed spaces together with undercroft parking. FOR
Chalice Build Ltd

This application is being brought to Committee due to a change in circumstances relating to the Section 106 Agreement.

RECOMMENDATION

Planning Committee are recommended to GRANT planning permission, subject to the conditions listed at the end of this report and a Section 106 Agreement to secure the revised financial contributions and obligations as set out in the report.

Should a satisfactory Section 106 Agreement not have been completed within four months of the date of the Committee resolution, Planning Committee are recommended to delegate authority to the Head of Development Services to REFUSE planning permission on the grounds that the proposal makes inadequate provision in respect of the issues the subject of that agreement.

DETAILS OF THE DEVELOPMENT

This is an outline planning application for the demolition of two existing buildings known as Milverton House and Drummond House and the erection of 2 new blocks of residential accommodation to incorporate up to 90 bed spaces together with associated parking. Whilst the total number of bed spaces is identified, the overall allocation of individual residential units has not been determined in this proposal.

The existing buildings form part of the Court Street industrial estate and represent fairly modern and utilitarian commercial premises.

Indicative proposals identify a building up to 4 storeys in height on both sites with the Milverton House building staggered in height from 1 to 4 storeys.

The site lies within an area identified within the Local Plan as being within the Town Centre Boundary of Leamington Spa and is allocated for residential development, forming part of allocation H16. This allocation identifies a total of 75 dwellings within the allocation area.

The site is outside the boundary of, but in fairly close proximity to the Royal Leamington Spa Conservation Area and the Canal Conservation Area.

THE SITE AND ITS LOCATION

Milverton House and Drummond House are modern industrial buildings split into a number of smaller units. Both buildings are single storey in scale and of unremarkable design.

The site of Milverton House backs onto residential properties on Tower Street to the west that are a row of maisonettes with the rear garden areas abutting the site boundary.

To the immediate north of Milverton House lies a vacant building that appears to have originally been a chapel/church but was last in use as commercial premises.

To the north and west of this building lies the recently extended Court Street car park. Court Street runs north/south to the east of Milverton House and beyond this lies the associated property, Drummond House.

To the south of the site is the access road serving Tower Street and beyond this lies the Waterside medical centre.

Drummond House is a similar, modern, single storey building of utilitarian character. This building is flanked to the east and south by other commercial premises. To the north of the site is a newly constructed residential block. Directly to the west is the site currently occupied by Milverton House.

PLANNING HISTORY

No relevant planning history.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DS5 - Presumption in Favour of Sustainable Development
- DS11 - Allocated Housing Sites
- PC0 - Prosperous Communities
- TCP1 - Protecting and Enhancing the Town Centres
- H0 - Housing
- H1 - Directing New Housing
- H2 - Affordable Housing
- H4 - Securing a Mix of Housing
- SC0 - Sustainable Communities
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR2 - Traffic generation (Warwick Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HE1 - Protection of Statutory Heritage Assets
- HS1 - Healthy, Safe and Inclusive Communities

- HS4 - Improvements to Open Space, Sport and Recreation Facilities
- HS7 - Crime Prevention
- CC1 - Planning for Climate Change Adaptation
- CC3 - Buildings Standards Requirements
- FW1 - Development in Areas at Risk of Flooding
- FW2 - Sustainable Urban Drainage
- FW3 - Water Conservation
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources
- DM1 - Infrastructure Contributions

Guidance Documents

- Parking Standards (Supplementary Planning Document)
- Open Space (Supplementary Planning Document - April 2019)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Canal Conservation Area DPD
- Creative Quarter "Big Picture" Document.

ASSESSMENT

The key material issue in the consideration of this revised proposal are the amendments proposed to the Section 106 Agreement Contributions.

This application was initially presented to Planning Committee on 14 July 2020 where a resolution to grant was made subject to conditions and the signing of a Section 106 Agreement to secure the following;

- Sustainable Travel Packs - £900.
- Libraries - £985.
- Off-site Highway Improvements including cycling - £20,000.
- Road Safety Contribution – £4,500.
- CCG - £8,138
- Outdoor Sport – £2,723
- Indoor Sport - £30,307
- Grass Pitches - £105,593
- Open Space Improvement - £265,608
- NHS Hospitals - £22,492.
- County Council Monitoring Fee - £500
- 40% Affordable Housing.
- Local Labour Agreement.
- Noise mitigation scheme.
- District Council Monitoring Fee.

Following this resolution to grant, the Section 106 procedure commenced. During this time, the applicant submitted a viability assessment to seek to demonstrate that the scheme was not viable if subject to affordable housing requirements and associated financial contributions.

In cases where a viability assessment is put forward, the details are assessed independently by a specialist Viability Assessor instructed by the Council.

In this case, the Council's Assessor has considered the scheme and carried out a thorough and detailed assessment of all information submitted. In making this assessment, the Assessor has challenged and tested all figures submitted by the applicant as well as carrying out his own independent assessment of the figures and market environment.

Following this robust assessment, it has been concluded that the scheme is marginally viable with an excess of £82,281 that can be put forward to Section 106 obligations.

Extracts from the non-technical summary included in the viability report undertaken for the Council are set out below:-

*This assessment considers the information provided by the Applicant, and their viability advisors, on development viability issues to support their outline planning application. We have assessed the viability of the scheme utilising the indicative layouts, plans and accommodation schedules that we have researched and assessed from the planning portal. We have also had regard to the information provided by the Applicant in their report of **December 2020**, which comprised a viability submission prepared by HEB Chartered Surveyors (HEB).*

The Applicant and their advisors HEB propose that no affordable housing is provided by the scheme, nor any further planning contributions, having regard to the outcome of their analysis. They have also not included an allowance for CIL in their viability appraisal.

We have undertaken a Development Viability Appraisal using the Argus Developer software model. This is a typical model used by both developers and valuers in the market. We have made several adjustments to the assumptions applied by HEB, in particular relating to the interpretation of the GDV (Gross Development Value), construction costs and externals, professional fees, development finance, timescales, and developer's return for risk (profit). In addition to the rental model (utilised by HEB), we have undertaken a further development appraisal of the scheme proposals assuming they would be delivered as a market sale project (in light of comments from WDC Officers who have confirmed that there will not be any restrictions in the planning application that would prevent this) – i.e., they could be sold in the open market under the C3 Residential use class.

*Our assessment generates a developer's return for risk (profit) for the proposals which is marginally higher than the target level of return on GDV. Hence, our assessment indicates that there is a surplus which could contribute to affordable housing and/or other planning contributions (over and above the assumed CIL payment of £871,841) for the scheme should it be delivered as a development available on the open market as C3 Residential in the order of **£82,281**.*

Having discussed this matter with Legal Services, the recommended allocation of Section 106 contributions is:-

CCG	£8,138
NHS	£22,492
Highway Improvements	£20,000
Road Safety	£4,500
Sustainable Travel Packs	£900.
Libraries	£985.
WCC Monitoring	£500
Sport Facilities	£10,000
Open Space	£14,286

The Section 106 Agreement will also secure a Local Labour Agreement and noise mitigation scheme.

The marginal viability of the scheme also means that no affordable housing can be provided. Notwithstanding that, the delivery of new housing is considered essential to maintain an appropriate 5-year housing supply.

The scheme is an outline application with some matters reserved. The matters being assessed as part of this proposal are access, layout and scale.

Matters relating to appearance and landscaping are reserved for later consideration under a separate reserved matters application.

Conclusion

The site is allocated for residential development within the Warwick District Local Plan for up to 75 residential units. The scheme is considered to accord with the allocation.

The viability of the scheme has been independently assessed by a specialist consultant and the scheme has been considered to have a marginal excess of profit that can be provided for Section 106 Contributions. These contributions will be secured by a Section 106 Agreement.

Members are therefore requested to GRANT outline planning permission subject to the revised Section 106 contributions and conditions set out within the original report (copied below for information).

CONDITIONS

1 Reserved Matters

Details of the appearance and landscaping of the development (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out in strict accordance with these reserved matters as approved.

REASON: To comply with Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

2 **Submission of Reserved Matters Timescale**

Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

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

3 **Commencement of Development**

The development to which this permission relates shall begin within three years of the date of this permission or within two years of the final approval of the reserved matters, whichever is the later.

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

4 **Approved Plans**

The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 17/53/05c, and specification contained therein, submitted on 17 June 2019.

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

5 **In accordance with parameters plans**

The reserved matters submission shall be submitted in accordance with the general parameters as set out on drawing numbers 17/53/07D, 17/53/08D, 17/53/09D, 17/53/11C, 17/53/12D, 17/53/14A and 17/53/15A submitted on 17 September 2019.

REASON : For the avoidance of doubt and to define the scale and form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

6 **Ecological and Landscaping Scheme**

No works to commence on site, including site clearance, until a combined ecological and landscaping scheme has been submitted and agreed between the applicant and the Local Planning Authority (with advice from WCC Ecological Services). The scheme must include all aspects of landscaping including details of tree/shrub species planting. The agreed scheme to be fully implemented before/during development of the site as appropriate.

REASON: To protect and enhance the ecological quality of the site in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029.

7 **Submission of drainage details**

No development shall commence unless and until a detailed surface water drainage strategy has been submitted to and approved in writing by the Local Planning Authority. The details shall include;

- Provide hydraulic modelling calculations should confirm the proposed impermeable area used.
- Demonstrate how the proposed discharge rates identified in the calculations were calculated. A minimum of 50% betterment on the existing brownfield rate should be provided.
- If discharging to a drainage system maintained/operated by other authorities (Environment Agency, internal drainage board, highway authority, sewerage undertaker, or Canals and River Trust), evidence of consultation and the acceptability of any discharge to their system should be presented for consideration.
- Demonstrate the proposed allowance for exceedance flow and associated overland flow routing.

Thereafter, the development shall be carried out in strict accordance with the approved details.

REASON: To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029.

8 **Noise Mitigation**

The development hereby permitted shall not be commence unless and until details of sound proofing have been submitted to and approved in writing by the local planning authority and the development has been completed in full accordance with the approved details.

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

9 **Details of Drainage**

No development shall commence unless and until details of surface and foul water drainage works have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with the approved details.

REASON: To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029.

10 **Construction Management Plan**

The development hereby permitted (including any works of demolition) shall not commence unless and until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall provide for: the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction; and a scheme for recycling / disposing of waste resulting from demolition and construction works. A model CMP can be found on the Council's website (https://www.warwickdc.gov.uk/downloads/file/5811/construction_management_plan) or by searching 'Construction Management Plan'. The development hereby permitted shall only proceed in strict accordance with the approved CMP.

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

11 **Low Emission Strategy**

No phase of the development shall commence unless and until a Low Emission Strategy for that phase has been submitted to and approved in writing by the Local Planning Authority. The Low Emission Strategy shall thereafter be implemented in strict accordance with the approved details.

REASON: To ensure mitigation against air quality impacts associated with the proposed development, in accordance with Policies NE5 and TR1 of the Warwick District Local Plan 2011-2029 and the aims and objectives of national guidance within the NPPF 2019.

12 **Details of External Lighting**

Prior to the commencement of the development, full details of all permanent lighting on the site shall be submitted to and approved in writing by the Local Planning Authority. This should follow the Institute of Lighting Professionals' Guidance Note 01/20: Guidance notes for the reduction of obtrusive light. The lighting shall be installed according to an approved plan which will need to be submitted by the applicant. The lighting should be maintained in perpetuity. Such works, and use of that lighting and/or illumination, shall be carried out and operated only in strict accordance with those approved details.

REASON: To ensure that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties

in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029

14 **Samples of Materials**

No development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details.

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

15 **Site Levels/Finished Floor Levels**

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

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

17 **Landscape Replacement Planting**

Any landscaping (other than the planting of trees and shrubs) including boundary treatment, paving and footpaths referred to in condition 1 shall be completed in all respects, within the first planting season following the first occupation of the development. Any tree(s) or shrub(s) removed, dying, or becoming in the opinion of the Local Planning Authority seriously damaged, defective or diseased within five years from the substantial completion of the scheme shall be replaced within the next planting season by tree(s) or shrub(s) of similar size and species to those originally required to be planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations.

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

18 **Water Efficiency**

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

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

Planning Committee: 26 April 2022

Item Number: 7

Application No: [W 21 / 2282](#)

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

Registration Date: 11/01/22
Expiry Date: 08/03/22

01926 456521 Emma.Booker@warwickdc.gov.uk

28 Clemens Street, Leamington Spa, CV31 2DL

Change of use from printing shop (Use Class E) to a drinking establishment (Sui Generis) FOR Mr Mudan

This application is being presented to Planning Committee due to the number of support comments and the recommendation being for refusal.

RECOMMENDATION

Planning Committee is recommended to refuse this application for the reason set out at the end of this report.

DETAILS OF THE DEVELOPMENT

Planning permission is sought for a change of use of this commercial unit from a printing shop (Use Class E) to a drinking establishment (Sui Generis).

In a document submitted by the applicant in response to an objection raised by the Health and Community Protection Officer, it is stated that the bar will not be managed like a club environment but more akin to a sit-down area where customers can enjoy a beverage. It is also stated that there will be no cooking on the premises and no live entertainment on offer.

THE SITE AND ITS LOCATION

The application site comprises a ground floor commercial unit which currently falls within Use Class E. Above the unit is a residential flat which the applicant has advised is currently vacant although is likely to be renovated and occupied in the future.

The application site is located in the Royal Leamington Spa Conservation Area and along one of the main arterial routes into the town centre. Clemens Street is located within the town centre boundary as identified on the policies map of the Local Plan and is also identified as a 'retail area'.

The street accommodates a range of commercial activities including convenience stores, cafes, hairdressers, and Public Houses. The streetscene comprises buildings of varied ages and architectural designs. The application property is one of the smaller buildings limited to two storeys. The properties immediately adjacent are taller two storey and three storey buildings. At the rear of the property there is an external courtyard which appears to provide parking for the neighbouring commercial and residential uses.

PLANNING HISTORY

There is no relevant planning history.

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- BE1 - Layout and Design
- BE3 - Amenity
- TR3 - Parking
- Guidance Documents
- Parking Standards (Supplementary Planning Document- June 2018)
- Royal Leamington Spa Neighbourhood Plan 2019-2029
- RLS3 - Conservation Area
- RLS16 - Royal Leamington Spa Town Centre

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: No objection.

Warwickshire Police: No objection, subject to imposition of recommended safety measures.

WDC CCTV: No objection.

WDC Health and Community Protection: Objection, not satisfied that the development would provide adequate levels of amenity for nearby residential uses.

Public Response:

13 support comments received on the following grounds:

- Adds variety to the Old Town by occupying a currently vacant unit
- Regenerates the street
- Little demand for uses alternative to the hospitality industry wanting to rent or lease retail outlets
- Location is suitable for a drinking establishment as it is close to the station
- South Leamington lacks bars for the community
- Small and family run businesses should be supported
- Would provide a valuable community asset

1 objection received from the occupier of the neighbouring unit on grounds that the late-night opening hours and anti-social behaviour/ litter associated with a drinking establishment would negatively affect their business.

ASSESSMENT

Principle of change of use

Significant support has received from members of the public in response to the proposed change of use to a drinking establishment. The location, close to the station and within the retail area, is considered appropriate for the proposed use. It is also noted that the unit is currently vacant, and its occupation would benefit the street.

Local Plan Policy TC3 (Safeguarding Existing and Potential Retail Floor Space) states that within town centre retail areas, change of use from uses within Use Class A (now superseded by Use Class E) will not be permitted except for within the defined Secondary Retail Areas, where hotels and assembly and leisure uses will be permitted subject to the restrictions within Policy TC7. The site is not located in a Secondary Retail Area.

The aim of Policy TC3 is to protect the shopping function of town centres by safeguarding existing and potential retail floorspace to ensure the availability of opportunities for future / continued investment. In the supporting text it is acknowledged that some uses defined as 'Sui-Generis' in the Use Classes Order may be appropriate in the retail areas of the town centres (such as nail bars and beauty salons). The introduction of such uses will be considered on a case-by-case basis. In each instance, it will be important for the use in question to maintain the characteristics of a retail outlet by having an active shop frontage (and normally incorporating an element of sales activity).

Since the adoption of Local Plan and Policy TC3, a new Use Classes Order has been published. The former Use Classes cited in Policy TC3, such as A1, A2 and A3, have now been combined into Use Class E. Drinking establishments have been moved out of the former Use Class A into Sui Generis. Approval of the application will lead to the loss of retail floor space and although the proposed change of use would not comply with Policy TC3 of the Local Plan, Officers are mindful that this policy was adopted prior to the amendment to the Use Class Order. The 2020 changes to the Use Class Order which effectively allows the loss of retail uses must be taken as a material consideration and have been afforded significant weight in favour of the proposal in as far as it relates to the loss of the retail use.

Officers are aware that Covid-19 has accelerated existing retail trends, as a result of changing consumer behaviour, and the role of town centres are changing. The changes to the Use Class Order in 2020 are in response to a government approach which seeks to provide greater flexibility to town centre business premises. The current lawful use of the shop is Use Class E meaning that its use could be changed to any other use falling within this class such as an office, clinic, bank or research and development. The retail floor space could therefore in theory be lost at any time. Policy TC3 of the Local Plan is therefore at odds with this legislation and it is considered unreasonable to resist a change of use for a typically found in the town centre based on the conflict with Policy TC3 alone.

The Local Plan recognises that town centres play an important part in supporting economic growth and encouraging investment, and that diversity in the town

centre attracts people to use its shops and services, supporting new investment and jobs. Officers consider that the change of use to a drinking establishment would ensure that the vitality of the town centre is maintained. The proposal is therefore deemed acceptable on the basis that it would meet the objectives of the Local Plan by supporting the functioning role of the town centre by providing a range of amenities and services to local residents.

Neighbourhood Plan Policy RLS16 relates to development in the Royal Leamington Spa Town Centre but its criteria is not considered relevant to the proposed change of use.

Amenity Considerations

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

The adjoining neighbour at 26A Clemens Street has objected on grounds that the proposed change of use would negatively impact on their business. This is due to the late-night opening hours and the noise and litter associated with a drinking establishment.

The application site is located within an area of the town where there is a mix of uses including retail, offices and residential. The submitted application form indicates that the proposed drinking establishment seeks to operate from 18:00 to 01:00 on any day of the week. The applicant has set out in a supporting statement how the bar will be managed in order to protect the amenity of the neighbours; there will be no live entertainment on offer and music will be kept at a low level. They have offered to negotiate on opening and closing times, but would be looking to operate primarily in the evening hours. No cooking on site is proposed, limiting the amount of plant required.

The Council's Health and Community Protection department have been consulted and the Environmental Health Officer (EHO) has expressed strong concerns with the proposal. They have identified that Clemens Street is a relatively narrow road that forms a street canyon as it reaches the High Street and Bath Street junction. Their records show that there are several upper floor residential dwellings immediately adjacent to and opposite the application site. Their concerns stem from the fact that drinking establishments can present a number of noise issues including raised voices from customers arriving and leaving the premises at unsociable hours, general conversation, and amplified music from inside of the premises, customers congregating in external yard areas and pavements to smoke, as well as noise from refrigeration and air-cooling plant. The serving of alcohol also increases the potential for confrontations, arguments, and other anti-social behaviour in the vicinity of the premises.

The Noise Impact Report submitted by the applicant has been reviewed and the EHO has confirmed that the mitigation measures proposed are not sufficient to fully alleviate their concerns in relation to noise and disturbance. The sound insulation proposed to the separating wall and ceiling structures is not adequate for a commercial use located directly below a residential dwelling. Given that the

applicant has not precluded the possibility that the residential dwelling may be refurbished into a habitable residence at some point in the future, the reliance on ADE of the Building Regulations alone for this is unlikely to provide an acceptable living environment for the dwelling due to noise.

The applicant also proposes that the sound reduction performance of the separating walls can also be upgraded to reduce the noise impacts on adjoining residential and commercial properties. Again, this relies on the criteria of ADE which would not be sufficient for the proposed drinking establishment use.

Moreover, the submitted document does not demonstrate how external noise issues from the proposed drinking establishment will be mitigated to prevent a loss of amenity to adjacent residential properties. The applicant states that there will be no live bands or loud music at the premises and that it will not be managed like a club environment. For the purpose of the planning application, however, Officers must consider the proposed land use rather than how the initial applicant intends to operate the premises. Officers would not reasonably be able to enforce a Management Plan which seeks to control the behaviour of customers.

On the basis of the information provided, Officers do not consider that the applicant has provided sufficient evidence to demonstrate that the proposed land use can be effectively integrated without causing an unacceptable loss of amenity for existing residential dwellings. For this reason, the Environmental Health Officer maintains their objection to the proposal and the application would conflict with Policy BE3 of the Local Plan.

Heritage Considerations

Policy RLS3 of the Neighbourhood Plan relates to development affecting the conservation area and listed buildings and seeks to ensure that proposals respect their significance.

Section 72 of the Planning (Listed Buildings and Conservation Areas) 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 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Policy HE1 of the Warwick District Local Plan states that development will not be permitted if it would lead to substantial harm to or total loss of the significance of a designated heritage asset. Warwick District Local Plan Policy HE2 (Protection of Conservation Areas) states that development will be expected to respect the setting of Conservation Areas and important views both in and out of them.

The proposal does not propose any physical external changes to the premises, and it is therefore considered that there would be no material impact on the character and appearance of the conservation area. The application therefore complies with the aforementioned policies.

Parking

The application site is within the town centre and in accordance with the adopted Parking Standards SPD off street parking is not necessary.

Other matters

The Designing Out Crime Officer for Warwickshire Police has recommended a series of security measures to be incorporated into the design of the drinking establishment to reduce the likelihood of staff, customers and nearby residents becoming victims of crime or anti-social behaviour:

- Roller shutters/grilles over the pedestrian access doors and windows
- All other external doors and windows to be certified to the required security rating
- Installation of CCTV

The Council's guidance leaflet for Increased Security for Retail Premises states that roller shutters, particularly those of a solid nature, have the most detrimental effect on the appearance of the shop of all forms of security on most types of retail premises whether in a High Street location, suburban centre or isolated retail unit. The guidance recommends an integrated approach to the design of shopfronts and security measures; stall rises of at least 600mm in height and glazing comprising small panes of glass rather than a single sheet are recommended in the first instance. Open grilles behind the shop front will also be supported where it can be demonstrated that integrated measures would not be sufficient.

Officers would not be supportive of external roller shutters over the external windows and doors unless it can be demonstrated that internal grille shutters and external grilles, in conjunction with the other security measures, would be inadequate to deter crime and antisocial behaviour. The applicant would need to demonstrate that criminal acts have been repeatedly committed for external shutters to be considered.

The guidance does not stipulate that drinking establishments are particularly vulnerable to crime but draws particular attention to jewellers. Officers are mindful that the premise could operate as an off-licence selling alcohol without planning permission where there would be large volumes of alcohol kept inside overnight. It is therefore considered reasonable to resist such measures such as this in the first instance whilst alternative options are explored in accordance with the Increased Security for Retail Premises guidance.

SUMMARY/CONCLUSION

The application is recommended for refusal on the basis that it would conflict with Policy BE3 of the Local Plan.

REFUSAL REASON

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

In the opinion of the Local Planning Authority, it is considered that the proposed change of use from a shop to a drinking establishment would result in material harm to the living conditions of neighbouring residents by reason of unacceptable levels of noise disturbance and anti-social behaviour. The applicant has been unable to suitably demonstrate how these adverse impacts could be effectively mitigated. The proposal is thereby considered to be unneighbourly and contrary to the aforementioned policy.
