Planning Committee

Tuesday 27 May 2014

A meeting of the above Committee will be held at the Town Hall, Royal Leamington Spa on Tuesday 27 May 2014 at 6.00pm.

Councillor Boad	Councillor Mackay
Councillor Brookes	Councillor Rhead
Councillor Mrs Bromley	Councillor Weber
Councillor Mrs Bunker	Councillor Wilkinson
Councillor Ms De-Lara-Bond	Councillor Williams
Councillor Doody	

Emergency Procedure

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

Agenda

Part A – General

*1. **Substitutes**

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. **Appointment of Chairman**

To appoint the Chairman of the Committee for the ensuing municipal year.

*3. **Appointment of Vice-Chairman**

To appoint the Vice - Chairman of the Committee for the ensuing municipal year.

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*4. **Declarations of Interest**

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

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

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

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

*5. **Site Visits**

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

*6. **Minutes**

To confirm the minutes of the meeting held on 18 March 2014, 8 April 2014 and 29 April 2014. **(Item 5/Page 1)**

<u>Part B – Planning Applications</u>

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

*7. **W14/0430 – Unit 2, Regent Court, Livery Street, Royal Leamington Spa** (Item 7/Page 1)
****This is a major application****

*8. **W/14/0437 Unit 6, Regent Court, Livery Street, Royal Leamington Spa** (Item 8/Page 1)
****This is a major application****

*9. **W14/0322 Land east of Radford Semele, north of Southam Road, Radford Semele** (Item 9/Page 1)
****This is a major application****

*10 **W14/0237 – 57 Roseland Road, Kenilworth** (Item 10/Page 1)

*11. **W14/0404 – 5-6 Milverton Crescent West, Royal Leamington Spa** (Item 11/Page 1)

*12. **W14/0473 – 78 Montague Road, Warwick** (Item 12/Page 1)

*13. **W14/0413 – 2 Greenhill Road, Whitnash** (Item 13/Page 1)

*14. **W14/0370 – 31 Shreres Dyche, Warwick** (Item 14/Page 1)

*15. **W14/0084 – Post Office Cottage, Hatton Green, Hatton** (Item 15/Page 1)

*16. **W14/0533 – 16 Arlington Avenue, Royal Leamington Spa** (Item 16/Page 1)

*17. **W14/0487 – Mid Warwickshire Crematorium, Newbold Road, Bishops Tachbrook** (Item 17/Page 1)

*18 **W14/0398 – Sandall House Farm, Narrow Lane, Lowsonford** (Item 18/Page 1)

*19 **W14/0005 – Bury Lodge, Offchurch Lane, Offchurch** (Item 19/Page 1)

*20 **W14/0537 – Crackley Hall School, Coventry Road, Kenilworth** (Item 20/Page 1)

*21 **W03/1254 – 5 Hawkes Hill Close, New Road, Norton Lindsay** (Item 21/Page 1)

(*Denotes those items upon which decisions will be made under delegated powers, as previously granted by Council).

Part C – Other matters

*22 **ACT 012/14 – 140-142 Parade (Bill's)** (Item 22/Page 1)

Please note:

(a) the background papers relating to reports on planning applications are open to public inspection under Section 100D of the Local Government Act 1972 and consist of all written responses to consultations made by the Local Planning Authority in connection with the planning applications referred to in the reports, the County Structure Plan Local Plans and Warwick District Council approved policy documents.

(b) all items have a designated Case Officer and any queries concerning those items should be directed to that Officer.

(c) in accordance with Council's Public Speaking Procedure, members of the public can address the Planning Committee on any of the planning applications being put before the Committee. If you wish to do so, please call 01926 353362 (Monday to Thursday 8:00am to 7:00pm, Friday 8:00am to 6:00pm and Saturday 9:00am to 1pm) or email committee@warwickdc.gov.uk, anytime after the publication of this agenda, but before 12 noon on the working day before the day of the meeting and you will be advised of the procedure.

(d) please note, that the running order for the meeting may be different to that published above, in order to accommodate items where members of the public - Have registered to address the Committee.

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

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

Telephone: 01926 353362
Facsimile: 01926 456121
E-Mail: committee@warwickdc.gov.uk

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

You can e-mail the members of the Planning Committee at planningcommittee@warwickdc.gov.uk

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

Please note that the majority of meetings are held on the first floor of the Town Hall. If you feel that this may restrict you attending this meeting, please telephone (01926) 353362 prior to the meeting, so that we can assist you and make any necessary arrangements to help you to attend the meeting.

The agenda is available in large print on request, prior to the meeting, by telephoning (01926) 353362

PLANNING COMMITTEE

Minutes of the meeting held on Tuesday 8 April 2014 in the Town Hall, Royal Leamington Spa at 6.00 pm.

PRESENT: Councillor Rhead (Chairman); Councillors Boad, Mrs Bunker, De-Lara-Bond, Doody, Mrs Falp, Kirton, Weber, Wilkinson and Williams.

Apologies for absence were received from Councillors Brookes and MacKay.

181. **SUBSTITUTES**

Councillor Mrs Falp substituted for Councillor MacKay.

182. **DECLARATIONS OF INTEREST**

Minute Number 184 – Agenda Item 6 – W14/0163 – Land between 12-14 Station Road, Kenilworth

During the course of the item it became apparent to Councillor Mrs Bunker that she knew a number of people involved in the application and she therefore declared a personal interest.

Minute Number 185 – Agenda Item 7 – W14/0183 – 1 Chapel Street, Royal Leamington Spa

Councillor Wilkinson declared a personal interest because he lived very close to the development site.

183. **SITE VISITS**

No site visits were undertaken prior to this meeting.

184. **W14/0163 – LAND BETWEEN 12-14 STATION ROAD, KENILWORTH**

The Committee considered an application from Virgate Properties Ltd for the erection of five no. two bedroom flats after demolition of the existing two storey and single storey former car sales building.

The application was presented to the Committee at the request of Councillor Illingworth and because an objection had been received from Kenilworth Town Council.

The officer considered the following policies to be relevant:

DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
Vehicle Parking Standards (Supplementary Planning Document)
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
Residential Design Guide (Supplementary Planning Guidance - April 2008)
Distance Separation (Supplementary Planning Guidance)
The 45 Degree Guideline (Supplementary Planning Guidance)

DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
Sustainable Buildings (Supplementary Planning Document - December 2008)
SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
Open Space (Supplementary Planning Document - June 2009)
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
National Planning Policy Framework
DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)

An addendum circulated prior to the meeting clarified that while the paragraph on living conditions in the report stated that the small window in the gable wall of no. 12 was a cloakroom, it was in fact an obscure glazed secondary window to a solicitor's office. The primary window was the bay window to the front. The addendum also stated that Warwickshire Highways Authority had responded to say that it had no objection to the application, subject to conditions and notes. Finally, the addendum also set out changes to conditions 8 and 2, following legal advice and the receipt of an amended ground floor layout plan.

It was the officer's opinion that this would be an appropriate site for new residential development, and that the proposals would have an acceptable impact on the living conditions of neighbouring dwellings and on the character and appearance of the Conservation Area. Furthermore, the proposals were considered to be acceptable in terms of car parking and highway safety. Therefore it was recommended that planning permission be granted subject to conditions.

Mr Brown addressed the Committee in objection to the application, representing both his own views and those of a number of neighbours. Mr Simmons spoke next, in support of the application. Councillor Illingworth then addressed the Committee in objection to the application as both a Ward Councillor and a Town Councillor.

Following consideration of the report, presentation and addendum, and the representations made at the meeting, the Committee resolved that the application be granted in accordance with the officer's recommendations, subject to the amendments to conditions 2 and 8 as set out in the addendum.

RESOLVED that W14/0163 be GRANTED subject to the following conditions:

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

(2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings (drawing numbers 5080/03D, 5080/04C, 5080/05C, 5080/06C and 5080/07B) and specification contained therein. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1, DP2 and DAP8 of the Warwick District Local Plan 1996-2011;

(3) no development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011;

(4) the development hereby permitted shall be carried out only in full accordance with samples of all external facing materials which have been submitted to and approved in writing by the local planning authority. **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 policies DP1 and DAP8 of the Warwick District Local Plan 1996-2011;

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

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

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

been implemented.

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

(6) the development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing which shall be made of porous materials or provision shall be made to direct run-off 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 …… 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 similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011;

(7) the development hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **REASON:** To ensure adequate off-street car parking and servicing facilities in the interests of both

highway safety and visual amenity in accordance with Policies DP1, DP2 & DP8 of the Warwick District Local Plan 1996-2011;

(8) the development hereby permitted shall not be occupied unless and until the external refuse storage areas for the development as shown on the approved plans and specification contained therein 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 DP1 of the Warwick District Local Plan 1996-2011;

(9) all window and door frames shall be constructed in timber and shall be painted and not stained. **REASON:** To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011 / To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011;

(10) the development hereby permitted shall not be first occupied unless and until the renewable energy scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturers specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;

(11) the roofing material for the development shall be natural slate. **REASON:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011;

(12) all rainwater goods for the development hereby permitted shall be metal. **REASON:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011/ To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011; and

(13) the development hereby permitted shall not be occupied unless and until the existing car sales building shown on the approved drawings to be demolished is removed in its entirety. **REASON:** To provide a satisfactory form of development and to accord with Policy DP2 of the Warwick District Local Plan 1996-2011.

(During the course of this item Councillor Mrs Bunker declared a personal interest because she realised that she knew a number of people involved in the application.)

185. **W14/0183 – 1 CHAPEL STREET, ROYAL LEAMINGTON SPA**

The Committee considered an application from Crucian Residential Ltd for the redevelopment of vacant offices following demolition of existing buildings and erection of nine no. three storey four bed town houses (Use Class C3).

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

The officer considered the following policies to be relevant:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
TCP9 - Protecting Employment Land and Buildings (Warwick District Local Plan 1996 - 2011)
TCP10 - Protecting the Residential Role of Town Centres (Warwick District Local Plan 1996 - 2011)

DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)
Vehicle Parking Standards (Supplementary Planning Document)
Residential Design Guide (Supplementary Planning Guidance - April 2008)
The 45 Degree Guideline (Supplementary Planning Guidance)
Distance Separation (Supplementary Planning Guidance)
Sustainable Buildings (Supplementary Planning Document - December 2008)
Open Space (Supplementary Planning Document - June 2009)
National Planning Policy Framework

An addendum circulated at the meeting set out comments received following publication of the agenda, a revision of condition 2 in order to tally with amended floor plans which had been received, an amended condition 12 and a note that condition 15 had been deleted.

It was the officer's opinion that this would be an appropriate site for new residential development. The proposals would have an acceptable impact on the living conditions of neighbouring dwellings and on the character and appearance of the Conservation Area. Furthermore, the proposals were considered to be acceptable in terms of car parking, highway safety, flood risk and ecological impact. Therefore it was recommended that planning permission be granted.

Mr Ward addressed the Committee on behalf of the Leamington Society and a number of neighbours who objected to the application. Mr Frampton spoke in support of the application.

Following consideration of the report, presentation and addendum, and the representations made to the meeting, the Committee resolved that the application be granted in accordance with the officer's recommendations, subject to the amendments to conditions 2 and 12 and the deletion of condition 15 as set out in the addendum.

RESOLVED that W14/0183 be GRANTED subject to the following conditions:

(1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;

(2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) 101, 302, 303D, 304E, 305E, 306E & 2004, and specification contained therein, submitted on 7 February 2014, 20 March 2014 and 1 April 2014. **REASON:** For the avoidance of doubt and to secure a satisfactory form of

development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

(3) no development (other than demolition) shall be carried out on the site which is the subject of this permission, until large scale details of doors, door casings, windows (including a section showing the window reveal, heads and cill details), parapets, rainwater goods, gates and railings at a scale of 1:5 (including details of materials) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON:** For the avoidance of doubt, and to ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011;

(4) samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;

(5) details of the means of disposal of storm water and foul sewage from the development shall be submitted to and approved by the District Planning Authority before the development hereby permitted (other than demolition) is commenced and the development shall not be carried out other than in strict accordance with such approved details. **REASON:** To ensure satisfactory provision is made for the disposal of storm water and foul sewage and to satisfy Policies DP9 and DP11 of the Warwick District Local Plan 1996-2011;

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

(i) no development (other than demolition) shall commence unless or until a scheme for

such provision or improvement (identifying the size/extent, location and specification of the space and works) has been submitted to and approved in writing by the Local Planning Authority; and

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

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

(7) the development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of any of the dwellings 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 similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011;

(8) the development hereby permitted (other than demolition) shall not commence until details of the finished floor levels of the dwellings,

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 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 DP1 & DP2 of the Warwick District Local Plan 1996-2011;

(9) no development (including demolition) shall commence unless and until a further survey for the presence of bats (to include appropriate activity surveys) has been carried out by a qualified surveyor, and has been submitted to and approved in writing by the local planning authority. Should the presence of bats be found then no demolition shall take place until full details of measures for bat migration and conservation have been submitted to and approved by the local planning authority. The works shall be implemented in strict accordance with the approved details and timing of works, unless otherwise approved in writing by the local planning authority and once undertaken the works shall not be removed or altered in any way without the prior written approval of the local planning authority. **REASON:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-2011;

(10) the development hereby permitted shall not be commenced (other than demolition) unless and until either:

(a) a scheme showing how 10% of the predicted energy requirement of the dwellings will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority; or
(b) a scheme showing how the fabric of the buildings will be designed to ensure that the dwellings achieve a 10% reduction in energy consumption compared with the minimum requirements of the building regulations at the

time the dwellings are constructed, has been submitted to and approved in writing by the District Planning Authority.

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

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

(11) the proposed car parking area for the development hereby permitted shall be constructed, surfaced, laid out and available for use prior to the first occupation of the development hereby permitted, in full accordance with the approved plan. The car parking area shall be retained at all times thereafter and shall be kept free of obstruction and be available for parking for occupants of the development hereby permitted, unless agreed otherwise in writing by the District Planning Authority. **REASON:** To ensure that adequate parking facilities are available, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011;

(12) gates provided at the entrance to the site shall not be hung so as to open out over the public highway carriageway. **REASON:** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;

(13) all window and door frames shall be constructed in timber and shall be painted and not stained. **REASON:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011;

(14) all rainwater goods for the development hereby permitted shall be metal. **REASON:** To ensure

an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011;

(16) none of the dwellings hereby permitted shall be occupied unless and until the bin store has been provided in strict accordance with the approved plans. **REASON:** To protect the amenities of occupiers of the site and the character and appearance of the locality, in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011; and

(17) none of the dwellings hereby permitted shall be occupied until all parts of existing accesses to Chapel Street have been permanently closed and reinstated in accordance with details approved in writing by the District Planning Authority. **REASON:** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.

186. **W13/1793 – RAMADA WARWICK, LEAMINGTON ROAD, CHESFORD BRIDGE, KENILWORTH**

The Committee considered an application from Mr Johal for a ground floor extension to a ballroom and new reception area with internal alterations.

The application was presented to the Committee because an objection had been received from Old Milverton and Blackdown Joint Parish Council.

The officer considered the following policies to be relevant:

National Planning Policy Framework
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
Vehicle Parking Standards (Supplementary Planning Document)
Warwickshire Landscape Guidelines SPG
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
DP15 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011)
Sustainable Buildings (Supplementary Planning Document - December 2008)
National Planning Policy Framework

An addendum circulated prior to the meeting set out further comments made by Old Milverton and Blackdown Joint Parish Council following publication of the agenda.

The application site was within the Green Belt where policies of restraint applied. The application proposed substantial extensions that would increase the overall prominence of built development. The development proposed would therefore be harmful to the Green Belt as it was inappropriate; diminished openness and conflicted with the purpose of including land in the Green Belt by encroaching upon the countryside. However, it was the officer's opinion that very special circumstances had been demonstrated sufficient to outweigh the harm caused to the Green Belt. The existing building was not particularly attractive and had expanded in a piecemeal way, whereas this development was more aesthetically pleasing and consistent. Furthermore, there were no other objections to the scheme so as to justify the refusal of the proposed scheme.

Following consideration of the report, presentation and addendum, the Committee resolved that the application be granted in accordance with the officer's recommendations.

RESOLVED that W13/1793 be GRANTED subject to the following conditions:

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

(2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings No. 1414-011; 1414-013B; 1414-014A, 1414-015A, 1414-016A, 1414-017A, 1414-018A, 1414-019B, 1414-020B and specification contained therein, submitted on 27th December 2013. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

(3) the development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be

maintained strictly in accordance with manufacturers specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011; and

(4) the development shall be carried out only in full accordance with sample details of the facing and roofing materials and treatment which have been submitted to and approved in writing by the local planning authority. **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 DP1 of the Warwick District Local Plan 1996-2011.

187. **W13/1787 – 12 AUGUSTA PLACE, ROYAL LEAMINGTON SPA**

At its meeting of 18 March 2014, the Planning Committee refused an application in respect of 12 Augusta Place and requested that officers present a report to the Committee at the next meeting on enforcement matters to be agreed.

Further to that decision, officers reported that since the 18 March meeting they had consulted with the applicant to see what enforcement action the applicant thought would be reasonable. The applicant put forward a proposal which the Council's Building Inspector had verified was a reasonable expectation.

Officers clarified a number of points in response to Members' questions and then the Committee voted to authorise enforcement action.

RESOLVED that enforcement action be authorised in respect of W13/1787.

(The meeting ended at 7.37 pm)

PLANNING COMMITTEE

Minutes of the meeting held on Tuesday 18 March 2014 in the Town Hall, Royal Leamington Spa at 6.00 pm.

PRESENT: Councillor Rhead (Chairman); Councillors Boad, Brookes, De-Lara-Bond, Doody, Kirton, MacKay, Weber, Wilkinson and Williams.

An apology for absence was received from Councillor Mrs Bunker.

169. **SUBSTITUTES**

There were no substitutions.

170. **DECLARATIONS OF INTEREST**

Minute Number 174 – Agenda Item 6 – W13/1787 – 12 Augusta Place, Royal Leamington Spa

Councillor Weber declared an interest because he had made a written objection to the application, but he advised that he was not pre-determined.

Minute Number 175 – Agenda Item 10 – W14/0162 - Site off Henley Road, Royal Leamington Spa

Councillor Kirton declared an interest because he knew someone who lived in the street.

Councillor Wilkinson declared an interest because the application site was located in his Ward.

All members of the Committee declared an interest because the application site was owned by Warwick District Council.

Minute Number 177 – Agenda Item 7 – W14/0120 - 36 Warwick Street, Royal Leamington Spa

Councillor Doody declared an interest because he was a member of the club which sold the building to the developer. He left the meeting when this application was discussed and did not return afterwards.

Councillor Weber declared an interest because the application site was located in his Ward.

Minute Number 178 – Agenda Item 8 – W14/0121 LB - 36 Warwick Street, Royal Leamington Spa

Councillor Doody declared an interest because he was a member of the club which sold the building to the developer. He left the meeting when this application was discussed and did not return afterwards.

Councillor Weber declared an interest because the application site was located in his Ward.

Minute Number 179 – Agenda Item 12 – W14/0170 – 11 Court Close, Bishop's Tachbrook

Councillor Brookes declared an interest because the application site was located in his Ward.

Minute Number 180 – Agenda Item 11 – W14/0118 – Arden Hill Lodge, Lapworth Street, Lapworth

Councillor Weber declared an interest because the application site was located in his Ward.

171. **SITE VISITS**

To assist with decision making, Councillors Boad, De-Lara-Bond, Doody, MacKay, Weber, and Wilkinson visited the following application sites on Saturday 22 February 2014:

W14/0162 – Site of Henley Road, Royal Leamington Spa
W13/1683 – 34 Leicester Street, Royal Leamington Spa
W13/1787 – The Willoughby, 12 Augusta Place, Royal Leamington Spa

172. **MINUTES**

The minutes of the meeting held on 25 February 2014 were agreed and signed by the Chairman as a correct record.

173. **W14/0023 – HARBURY GARDENS, HARBURY LANE, BISHOP'S TACHBROOK**

This item had been withdrawn from the agenda to enable more work to be carried out on the evidence base to support the requested Section 106 contributions, notably those relating to the Country Park and NHS Acute and Community Healthcare.

174. **W13/1787 – 12 AUGUSTA PLACE, ROYAL LEAMINGTON SPA**

The Committee considered an application for Mr O'Sullivan under Section 73 for a minor material amendment in variation of condition 2 of planning permission W13/0239 to replace approved drawings 835-07d and 08d with drawings 835 – 16 and 17. The minor material changes included the raising of a side extension roof (eaves and ridge), increasing of depth of side and rear extension and omission of vertical glazing bars in sash windows, brick work external finish to rear, and front facing French doors to match the adjacent building.

The application was presented to the Committee because a number of objections had been received including one from Royal Leamington Spa Town Council. Also Councillor Weber had made a request that the application should be presented to the Committee if the officer had made a recommendation for approval.

The officer considered the following policies to be relevant:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
SC14 - Community Facilities (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
Residential Design Guide (Supplementary Planning Guidance - April 2008)
Vehicle Parking Standards (Supplementary Planning Document)
Sustainable Buildings (Supplementary Planning Document - December 2008)
National Planning Policy Framework
DAP6 - Upper Floors within Listed Buildings and Conservation Areas (Warwick District Local Plan 1996 - 2011)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
DAP10 - Control of Advertisement Hoardings (Warwick District Local Plan 1996 - 2011)
DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)

It was the officer's opinion that the changes were acceptable in design terms; did not unacceptably harm the character and appearance of the unlisted building and the conservation area; or materially change the living conditions of neighbouring occupants such that planning permission should be granted.

An addendum circulated at the meeting informed the Committee that two further letters of objection had been received, and the reasons for the objections were listed.

Mr Gifford addressed the Committee and spoke in opposition to the application, followed by Mr O'Sullivan who spoke in support.

Following consideration of the report and presentation, along with the representations made at the meeting and the information contained within the addendum, Members voted to refuse the application because of the "terracing effect" and the fact that it was contrary to policies DP1 and DAP9. The Head of Development Services then sought guidance on what enforcement action should be taken and Members decided that the issue of enforcement should be decided at the next Planning Committee on receipt of a report from an officer.

RESOLVED that W13/1787 be REFUSED for the following reason and enforcement matters be decided at the next Planning Committee.

Reason:

(1) Policy DP1 of the Warwick District Local Plan 1996-2011 states that development will only be permitted which positively contributes to

the character and quality of its environment through good layout and design. The Council has also adopted the 'Residential Design Guide' as Supplementary Design Guidance. In addition, Policy DAP9 of the Local Plan states that alterations or extensions to unlisted buildings in Conservation Areas which will adversely affect the character, appearance or setting of a Conservation Area will not be permitted. In the opinion of the Local Planning Authority the development is considered to result in a terracing effect harmful to the character and appearance of the area. The development is therefore considered to be contrary to the aforementioned policies.

175. **W14/0162 – SITE OFF HENLEY ROAD, ROYAL LEAMINGTON SPA**

The Committee considered an outline planning application for Waterloo Housing Group for the demolition of garages and construction of seven new dwellings (five two storey houses and two maisonettes) with associated access, parking and landscaping. This was a resubmission of application W13/1687.

The application was presented to the Committee because the site was owned by Warwick District Council.

The officer considered the following policies to be relevant:

National Planning Policy Framework
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
Open Space (Supplementary Planning Document - June 2009)
Residential Design Guide (Supplementary Planning Guidance - April 2008)
SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
Affordable Housing (Supplementary Planning Document - January 2008)
The 45 Degree Guideline (Supplementary Planning Guidance)
Distance Separation (Supplementary Planning Guidance)
Vehicle Parking Standards (Supplementary Planning Document)
Sustainable Buildings (Supplementary Planning Document - December 2008)

It was the officer's opinion that the proposals would have an acceptable impact on the living conditions of neighbouring dwellings and on the

character and appearance of the area. Furthermore, the proposals would have an acceptable impact on trees and ecology and would be acceptable in terms of car parking and highway safety.

An addendum circulated at the meeting, advised that a County Councillor had submitted comments in support of the proposal for much needed affordable housing with two caveats:

- Further reassurances were sought about steps that would be taken not to damage the oak tree; and
- That Planning Committee should carefully consider whether the number of car parking spaces provided were adequate for the properties being built.

The County Councillor also confirmed strong support for the provision of money for off-site open space improvements.

Mrs Falp, a local resident, addressed the Committee in objection to the application. Her main concerns centred on the lack of parking provision.

The Committee sought clarification on the use and position of the garages and also on certain landscaping design features.

Following consideration of the report and presentation, along with the representation made at the meeting and the information contained within the addendum, the Committee resolved that the application should be granted in accordance with the officer's recommendations.

RESOLVED that W14/0162 be GRANTED subject to the following conditions:

(1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;

(2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) 5217/01D & 5217/02A, and specification contained therein, submitted on 4 March 2014. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

(3) samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out

in accordance with the approved details. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;

(4) details of the means of disposal of storm water and foul sewage from the development shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced and the development shall not be carried out other than in strict accordance with such approved details. **REASON:** To ensure satisfactory provision is made for the disposal of storm water and foul sewage and to satisfy Policies DP9 and DP11 of the Warwick District Local Plan 1996-2011;

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

(6) no development shall be commenced unless

and until details of the foundations for plots 5 and 6 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 foundation details. **REASON:** To protect those trees which are of significant amenity value to the area and which would provide an enhanced standard of appearance to the development in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;

(7) the development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of any of the dwellings 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 similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011;

(8) the development hereby permitted shall not commence until details of the finished floor levels of the dwellings, 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 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 DP1 & DP2 of the Warwick District Local Plan 1996-2011;

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

(a) a scheme showing how 10% of the predicted energy requirement of this development will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority; or
(b) a scheme showing how the fabric of the buildings will be designed to ensure that the dwellings achieve a 10% reduction in energy consumption compared with the minimum requirements of the building regulations at the time the dwellings are constructed, has been submitted to and approved in writing by the District Planning Authority.

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

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

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

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

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

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

(11) the development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority. **REASON:** In the interests of fire safety;

(12) the development shall be timetabled and carried out to wholly accord with the mitigation measures for the safeguarding of bats and nesting birds within the site as set out in the document 'Biodiversity Report for the Site off Henley Road, Leamington Spa' prepared by Curious Ecologists (31 October 2013) that was submitted with the application on 4 February 2014. **REASON:** To ensure that protected species are not harmed by the development, in accordance with Policy DP3 of the Warwick District Local Plan;

(13) the proposed car parking and manoeuvring areas shown on drawing no. 5217/01D for each of the dwellings hereby permitted shall be constructed, surfaced, laid out and available for use prior to the first occupation of each of the dwellings hereby permitted, in full accordance with the approved plan. The car parking areas shall be retained at all times thereafter and shall be kept free of obstruction and be available for parking for occupants of the development hereby permitted, unless agreed otherwise in writing by the District Planning Authority. **REASON:** To ensure that

adequate parking facilities are available, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011;

(14) prior to the occupation of plots 4 and 5 of the development hereby permitted, the following windows shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects:

(a) the first floor windows in the north elevation of plot 5; and
(b) all parts of the first floor window in the east elevation of plot 4 that are less than 1.7m above the floor level of that room.

The obscured glazed windows shall be retained and maintained in that condition at all times.

REASON: To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011;

(15) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no further development shall take place within the curtilage of Plots 3 and 4 hereby permitted which falls within Part 1, Class B without the prior written approval of the local planning authority. **REASON:** Due to the close proximity to the northern boundary, it is necessary to retain control over dormer windows in the north elevation of these plots to protect the living conditions of neighbouring dwellings, in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011;

(16) all hard surfaces hereby approved shall be made of porous materials. **REASON:** To reduce surface water run-off and to ensure that the development does not increase the risk of flooding elsewhere, in accordance with Policy DP11 of the Warwick District Local Plan; and

(17) none of the dwellings hereby permitted shall be occupied unless and until the bin collection area for the development has been laid out and made available for use by the occupants of the development and thereafter that area 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 DP1 of the Warwick District Local Plan 1996-2011.

176. **W13/1683 – 34 LEICESTER STREET, ROYAL LEAMINGTON SPA**

The Committee considered an application for Mr Patel for a change of use from C3 (dwelling house) to C4 (Houses in Multiple Occupation (HMO)).

The application was presented to the Committee because of the number of objections that had been received and also following a request from Councillor Ms Dean.

The officer considered the following policies to be relevant:

DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
National Planning Policy Framework
Vehicle Parking Standards (Supplementary Planning Document)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)

It was the officer's opinion that the addition of another HMO within the area would not exceed 10% within a 100 metre radius, the bin storage would be to the rear and the site was centrally located near to sustainable transport links such that, the proposal was considered to be in accordance with the recently adopted HMO Policy. The existing property required the same amount of off road parking as the proposed HMO and it was therefore considered that the change of use would not require any greater car parking as set out within the Council's Vehicle Parking Standards SPG and was in compliance with the aforementioned policies.

Mr McSweeney and Mr Staunton addressed the Committee in objection to the application. With the agreement of all concerned, Mr Staunton circulated to members of the Committee photographs of the property.

Mrs Patel addressed the Committee in support of the application, followed by Councillor Ms Dean who as Ward Member addressed the Committee in objection to the application.

A motion to grant the application was defeated, four votes against four, with the Chairman using his casting vote against the motion. A motion to refuse permission was carried.

Following consideration of the report and presentation, along with the representations made at the meeting, the Committee resolved that the application should be refused contrary to the recommendations in the report. Members were concerned that in this particular case, there was too high a concentration of HMO's in this street. Councillors were concerned that the street was also becoming "tatty" and referred to Policy DP2 where this application would be a step too far. They also referred to the Article 4 Direction which referred to the problems that arose when too many student accommodation units were concentrated together.

RESOLVED that W13/1683 be REFUSED due to the concentration of HMOs in Leicester Street.

Councillor Doody requested that the HMO Policy be re-examined by the Planning Committee and then go before Full Council for consideration.

(Councillor Doody left the meeting.)

177. W14/0120 – 36 WARWICK STREET, ROYAL LEAMINGTON SPA

The Committee considered an application for Yarnold Properties Limited for the proposed change of use of the basement, ground floor and first floor of a private club premises to eight self-contained flats and one mews dwelling, external alterations and alterations to the existing second floor flat.

The application was presented to the Committee because the previous applications for the conversion of the property to flats were determined by the Committee.

The officer considered the following policies to be relevant:

Residential Design Guide (Supplementary Planning Guidance - April 2008)
Affordable Housing (Supplementary Planning Document - January 2008)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DAP6 - Upper Floors within Listed Buildings and Conservation Areas (Warwick District Local Plan 1996 - 2011)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
DP15 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011)
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)

DAP5 - Changes of Use of Listed Buildings (Warwick District Local Plan 1996 - 2011)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
DAP7 - Restoration of Listed Buildings (Warwick District Local Plan 1996 - 2011)
Sustainable Buildings (Supplementary Planning Document - December 2008)
Vehicle Parking Standards (Supplementary Planning Document)
Open Space (Supplementary Planning Document - June 2009)
National Planning Policy Framework

An addendum circulated at the meeting informed Members that Legal Services had advised that a Unilateral Undertaking should be submitted to revoke existing planning permission W12/1595. Otherwise that permission could be partially implemented in relation to the three flats on the second floor. Together with any planning permission for the current proposals for nine flats in the remainder of the building this would circumvent the affordable housing threshold. A revised recommendation was detailed in the addendum.

It was the officer's opinion that the conversion to flats would be acceptable in principle in this location. The proposals would preserve the character and appearance of the Listed Building and the Conservation Area and would have an acceptable impact on the living conditions of neighbouring dwellings. Furthermore, the proposals were considered to be acceptable in terms of car parking, highway safety, ecological impact and provision for public open space. The proposed development was below the threshold for triggering the affordable housing requirements of Local Plan Policy SC11 and it would not be appropriate to require on-site renewable energy production due to the constraints of this site.

Following consideration of the report and presentation, and the information contained within the addendum, the Committee resolved that the application should be granted in accordance with the recommendations in the report and subject to the submission of a satisfactory Unilateral Undertaking to revoke existing planning permission W12/1595. Should a satisfactory Unilateral Undertaking not have been submitted by 24 March 2014, delegated authority was given to the Head of Development Services to refuse planning permission on the grounds that the combined proposals make inadequate provision for affordable housing.

RESOLVED that W14/0120 be GRANTED subject to the following conditions:

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

(2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 821-05A, 821-06B, 821-

07B & 821-08B, and specification contained therein, submitted on 27 January 2014, except as required by other conditions below. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1, DP2, DAP4 and DAP8 of the Warwick District Local Plan 1996-2011;

(3) the development hereby permitted shall not be occupied unless or until a Traffic Regulation Order has been made by the Highway Authority to remove the application property from the existing Traffic Regulation Order thereby securing the removal of the rights of the applicant / future owners / tenants of the application property to apply for residents parking permits. **REASON:** To ensure the proposed development does not result in an increase in on-street parking pressure in an area with already high demand to the detriment of highway safety and residential amenity in accordance with Policies DP8, DP2 and the Vehicle Parking Standards SPD of the Warwick District Local Plan 1996-2011;

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

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

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

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

(5) prior to commencement of the development hereby permitted and notwithstanding the details shown on the approved plans, details must be submitted to and approved in writing by the Local Planning Authority showing: (a) full details of the new ground floor foyer

entrance and enclosure walls / glazed screen; (b) 1:10 drawings of all external frames and associated joinery sections for new doors and windows; (c) 1:5 drawings and 1:20 sections for new staircases; (d) 1:10 drawings of all new internal timber mouldings (skirting, handrails, architrave etc.) and ceiling coving; (e) 1:10 drawings of external ironmongery and rainwater goods; and (f) details of decorative finishes and colours to be used externally. Thereafter the development shall be carried out in accordance with the approved details. **REASON:** To ensure the character and appearance of the building is preserved in accordance with Policies DP1 and DAP4 of the Warwick District Local Plan 1996-2011;

(6) all window and door frames shall be constructed in timber and shall be painted and not stained. **REASON:** To ensure a high standard of design and appearance for this Listed Building and conservation area and to satisfy Policies DAP4 and DAP8 of the Warwick District Local Plan 1996-2011;

(7) in relation to blocking existing windows or making good any sections where new apertures are created, no facing materials shall be used other than materials similar in appearance to those used in the construction of the exterior of the existing building. **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 Policies DP1 and DAP4 of the Warwick District Local Plan 1996-2011; and

(8) the development hereby permitted shall not be occupied unless and until the approved bin store facilities have been provided and made available for use in accordance with the details on drawing number(s) 821-05A (or in any subsequently approved amendments) and thereafter those facilities shall remain available for use at all times. **REASON:** To ensure adequate facilities to serve the development in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011.

178. **W14/0121 LB – 36 WARWICK STREET, ROYAL LEAMINGTON SPA**

The Committee considered an application for Yarnold Properties Limited for internal and external alterations to a listed building in association with a proposed change of use of basement, ground floor and first floor private

club premises to eight self-contained flats and one mews dwelling and alterations to the existing second floor.

The application was presented to the Committee because the previous applications for the conversion of the property to flats were determined by the Committee.

The officer considered the following policies to be relevant:

DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
DAP7 - Restoration of Listed Buildings (Warwick District Local Plan 1996 - 2011)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
National Planning Policy Framework

An addendum circulated at the meeting advised that a further petition containing 90 signatures had been received from residents within the W3 parking zone, listing reasons for the objections. Also two further objections had been received with more concerns. A collective email had been received responding to the committee report giving reasons for objecting to the application.

It was the officer's opinion that the proposed internal and external alterations required to facilitate the change of use would not harm the character and appearance of the Listed Building or the Conservation Area.

The proposed use was considered to be sympathetic to the special architectural / historic interest of the Listed Building. The scheme was therefore considered to preserve the character and appearance of the Listed Building and the Conservation Area.

Following consideration of the report and presentation, the Committee resolved that the application should be granted in accordance with the recommendations in the report.

RESOLVED that W14/0121 LB be GRANTED with the following conditions:

(1) the works hereby permitted shall begin not later than three years from the date of this consent. **REASON:** To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended);

(2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 821-05A, 821-06B, 821-07B & 821-08B, and specification contained therein, submitted on 27 January 2014, except as required by other conditions below. **REASON**: For the avoidance of doubt and to secure a satisfactory form of development in

accordance with Policies DP1, DP2, DAP4 and DAP8 of the Warwick District Local Plan 1996-2011;

(3) prior to commencement of the development hereby permitted and notwithstanding the details shown on the approved plans, details must be submitted to and approved in writing by the Local Planning Authority showing: (a) full details of the new ground floor foyer entrance and enclosure walls / glazed screen; (b) 1:10 drawings of all external frames and associated joinery sections for new doors and windows; (c) 1:5 drawings and 1:20 sections for new staircases; (d) 1:10 drawings of all new internal timber mouldings (skirting, handrails, architrave etc.) and ceiling coving; (e) 1:10 drawings of external ironmongery and rainwater goods; and (f) details of decorative finishes and colours to be used externally. Thereafter the development shall be carried out in accordance with the approved details. **REASON:** To ensure the character and appearance of the building is preserved in accordance with Policies DP1 and DAP4 of the Warwick District Local Plan 1996-2011;

(4) all window and door frames shall be constructed in timber and shall be painted and not stained. **REASON**: To ensure a high standard of design and appearance for this Listed Building and conservation area and to satisfy Policies DAP4 and DAP8 of the Warwick District Local Plan 1996-2011; and

(5) in relation to blocking existing windows or making good any sections where new apertures are created, no facing materials shall be used other than materials similar in appearance to those used in the construction of the exterior of the existing building. **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 Policies DP1 and DAP4 of the Warwick District Local Plan 1996-2011.

179. **W14/0170 – 11 COURT CLOSE, BISHOP'S TACHBROOK, ROYAL LEAMINGTON SPA**

The Committee considered an application for Mr and Mrs Oakes for the demolition of the existing garage and storm porch and construction of a single storey side and rear extension to form a larger kitchen/dining room

and garage plus loft conversion to form two bedrooms with ensuite shower room and dressing room.

The application was presented to the Committee because an objection had been received from Bishop's Tachbrook Parish Council.

The officer considered the following policies to be relevant:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
Residential Design Guide (Supplementary Planning Guidance - April 2008)
The 45 Degree Guideline (Supplementary Planning Guidance)
National Planning Policy Framework

It was the officer's opinion that the development respected surrounding buildings in terms of scale, height, form and massing and did not adversely affect the amenity of nearby residents.

Following consideration of the report and presentation, the Committee resolved that the application should be granted in accordance with the officer's recommendations.

RESOLVED that W14/0170 be GRANTED subject to the following conditions:

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

(2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 1116/4, 1116/5A and 1116/3A, and specification contained therein, submitted on 5th February and 5th March 2014 respectively. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

(3) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;

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

(5) the development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

180. **W14/0118 – ARDEN HILL LODGE, LAPWORTH STREET, LAPWORTH, SOLIHULL**

The Committee considered an application for Mrs Griffiths for the replacement of an existing conservatory with single storey extension and the erection of a first floor rear extension.

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

The officer considered the following policies to be relevant:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
RAP2 - Extensions to Dwellings (Warwick District Local Plan 1996 - 2011)
Residential Design Guide (Supplementary Planning Guidance - April 2008)
National Planning Policy Framework

It was the officer's opinion that the development respected surrounding buildings in terms of scale, height, form and massing, and was acceptable in Green Belt terms and did not adversely affect the amenity of nearby residents.

Following consideration of the report and presentation, the Committee resolved that the application be granted in accordance with the officer's recommendations.

RESOLVED that W14/0118 be GRANTED subject to the following conditions:

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

(2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 2660-02 Rev C and 2660-03 Rev C, and specification contained therein, submitted on 7 March 2014. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011; and

(3) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.

(The meeting ended at 7.47 pm)

PLANNING COMMITTEE

Minutes of the meeting held on Tuesday 29 April 2014 in the Town Hall, Royal Leamington Spa at 6.00 pm.

PRESENT: Councillor Rhead (Chairman); Councillors Boad, De-Lara-Bond, Doody, Kirton, Weber, Wilkinson and Williams.

Apologies for absence were received from Councillors Mrs Bunker and MacKay.

188. **SUBSTITUTES**

There were no substitutes.

189. **DECLARATIONS OF INTEREST**

Minute Number 192 – Agenda Item 6 – W14/0023 – Harbury Gardens, Harbury Lane, Bishops Tachbrook

Councillor Brookes declared an interest because the application site was in his Ward.

Minute Number's 194 & 195 – Agenda Items 9 & 10 – W14/0397 & W14/0430 – Unit 2, Regent Court, Livery Street, Royal Leamington Spa

Councillor Weber declared an interest in both applications because they were located in his Ward.

Minute Number's 196 & 197 – Agenda Items 11 & 12 – W14/0438 & W14/0437 – Unit 6, Regent Court, Livery Street, Royal Leamington Spa

Councillor Weber declared an interest in both applications because they were located in his Ward.

Minute Number's 198 – Agenda Item 15 – W14/0231 – 11 Lear Grove, Warwick

Councillor Wilkinson declared a pecuniary interest and left the room whilst the item was discussed.

Minute Number's 199 – Agenda Item 14 – W14/0131 – Park Lodge, Barford Road, Warwick

Councillor Rhead declared an interest because the application site was in his Ward and during the course of the item he realised that a gentleman in the public gallery was known to him.

Minute Number's 201 – Agenda Item 13 – W14/0054 – 58 Arras Boulevard, Hampton Magna, Budbrooke, Warwick

During the course of the item Councillor Rhead declared an interest because the application site was in his Ward.

190. **SITE VISITS**

To assist with decision making, Councillors Boad, De-Lara-Bond, Doody, Kirton, Rhead, Weber, Williams and Wilkinson visited the following application site on Saturday 26 April 2014:

W14/0231 – 11 Lear Grove, Warwick

191. **W14/0142 – LAND TO THE SOUTH OF FIELDGATE LANE, WHITNASH**

The Committee considered an application from Bovis Homes for the variation of Condition 7 of outline planning permission W13/0858 (for residential development with all matters reserved apart from access). The variation was to adopt a fabric first approach to achieving energy savings and lower carbon emissions rather than provision of renewable technologies.

The application was presented to the Committee due to the number of objections received including one from Whitnash Town Council.

The officer considered the following policies to be relevant:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
DP5 - Density (Warwick District Local Plan 1996 - 2011)
DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)
SC4 - Supporting Cycle and Pedestrian Facilities (Warwick District Local Plan 1996 - 2011)
SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
Development Management Policy Guidance: Achieving a Mix of Market Housing on new Development Sites (Agreed by Executive - 19th June 2013)
Distance Separation (Supplementary Planning Guidance) (2003)
The 45 Degree Guideline (Supplementary Planning Guidance)
National Planning Policy Framework
RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
DAP2 - Protecting the Areas of Restraint (Warwick District Local Plan 1996 - 2011)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)

RAP10 - Safeguarding Rural Roads (Warwick District Local Plan 1996 - 2011)
Residential Design Guide (Supplementary Planning Guidance - April 2008)
Open Space (Supplementary Planning Document - June 2009)
Vehicle Parking Standards (Supplementary Planning Document)
Warwickshire Landscape Guidelines SPG
Sustainable Buildings (Supplementary Planning Document - December 2008)
Affordable Housing (Supplementary Planning Document - January 2008)
Garden Towns, Villages and Suburbs - A prospectus for Warwick District Council (Consultation document - May 2012)

It was the officer's opinion that the variation of condition 7 was considered acceptable as it would meet the overall aims and objectives of Policy DP13 of the Warwick District Local Plan 1996-2011 in terms of reducing CO^2 emissions and the National Planning Policy Framework 2012.

The Councillor Mrs Falp addressed the committee in objection to the application, on behalf of Whitnash Town Council.

Following consideration of the report and presentation, and the representations made at the meeting, the Committee agreed that the variation should be refused because it was contrary to the existing Local Plan Policy DP13, Renewable Energy Developments. In addition, Members felt that the proposal was contrary to Climate Change policies CC1, CC2 and CC3, with particular reference to paragraph 5.95.

RESOLVED that the variation to condition 7 for application W14/0142 be REFUSED because it was contrary to policies DP13, CC1, CC2 and CC3 with particular reference to paragraph 5.95.

192. **W14/0023 – HARBURY GARDENS, HARBURY LANE, BISHOPS TACHBROOK**

The Committee considered an application from A C Lloyd Ltd for a residential development (approximately 200 dwellings) with new access onto Harbury Lane, land safeguarded for a new primary school, allotments, open space, local shop (A1 use up to 100 sqm gross), car parking and associated infrastructure.

The application was presented to the Committee due to the number of objections from residents and objections from Parish and Town Councils having been received and because it was recommended that planning permission be granted subject to a Section 106 agreement.

The application was previously on the agenda for the 18 March Planning Committee. However, it was withdrawn from the agenda prior to consideration at the meeting to enable more work to be carried out on the evidence base to support the requested Section 106 contributions. This work had been undertaken, with further evidence produced to support the contributions towards the country park, indoor and outdoor sports facilities and NHS acute and community healthcare. All of the Section 106 contributions had now been agreed with the applicant.

The officer considered the following policies to be relevant:

RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
DP5 - Density (Warwick District Local Plan 1996 - 2011)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)
SC4 - Supporting Cycle and Pedestrian Facilities (Warwick District Local Plan 1996 - 2011)
SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
SC14 - Community Facilities (Warwick District Local Plan 1996 - 2011)
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
Affordable Housing (Supplementary Planning Document - January 2008)
Residential Design Guide (Supplementary Planning Guidance - April 2008)
Open Space (Supplementary Planning Document - June 2009)
Vehicle Parking Standards (Supplementary Planning Document)
Warwickshire Landscape Guidelines SPG
Sustainable Buildings (Supplementary Planning Document - December 2008)
Development Management Policy Guidance: Achieving a Mix of Market Housing on new Development Sites (Agreed by Executive - 19th June 2013)
Garden Towns, Villages and Suburbs - A prospectus for Warwick District Council (Consultation document - May 2012)
National Planning Policy Framework
SC12 - Sustainable Transport Improvements (Warwick District Local Plan 1996 - 2011)

An addendum circulated prior to the meeting outlined a number of issues including differences between this scheme and the previously refused planning permission. In addition, the addendum updated Members on the recent approval of the draft Local Plan and advised of further comments from Bishops Tachbrook Parish Council and public responses.

It was the officer’s opinion that, due to the Council's lack of a five year supply of housing land, Local Plan Policy RAP1 was out of date. Therefore,

the NPPF required applications to be considered in the context of the presumption in favour of sustainable development. This stated at paragraph 14 that where the development plan policies were out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF.

There were three dimensions to sustainable development: economic, social and environmental. The development would deliver economic benefits through the generation of employment during the construction phase, and from the increased population which would contribute towards increased expenditure in the local area and dependence on local facilities. Business would also benefit economically through the provision of highway network improvements. Social benefits would include the provision of a mix of types and sizes of market and affordable housing to meet identified local needs, the provision of open space, and improvements to shared infrastructure.

Environmental benefits would arise from measures to increase biodiversity, sustainable transport improvements, more efficient use of land, provision of open spaces, sustainable drainage measures and improved footpath/cycle way links. The site was in a sustainable location adjacent to the urban area and will be integrated into the existing settlement by sustainable transport links. It was therefore concluded that the development represented sustainable development by satisfying the three dimensions identified in the NPPF.

It had been concluded that any issues of concern that had been raised could be satisfactorily addressed through the assessment of reserved matters applications, the provision of new facilities, and the provision of new infrastructure by way of financial contributions. The development would have an adverse impact on the surrounding landscape in terms of the loss of openness, rural character and ridge and furrow, however these impacts needed to be balanced against the wider benefits of the development listed above.

In the particular circumstances of this application, it was not considered that the adverse impacts on the landscape and rural area significantly and demonstrably outweighed the benefits of the development. The development was considered to comply with all current Local Plan policies aside from RAP1, which the NPPF advised could not carry any weight.

Furthermore, the development was considered to comply with the policies of the NPPF, taken as a whole. The presumption in favour of sustainable development carried substantial weight, as did the contribution the development would make to the provision of housing to meet the needs of the District. The fact that the site had been identified as a preferred option in the RDS needs to be given serious consideration due to its stage in the plan process, but the evidence base that led to the inclusion of the site in the RDS carried some weight. It was, therefore, concluded that planning permission should be granted.

The following people addressed the committee in objection to the application:

Councillor Mrs Falp, in objection on behalf of Whitnash Town Council;

Councillor Deeley, in objection on behalf of Bishops Tachbrook Parish Council;
Mr Mitchell, in support and on behalf of the applicant; and
Mr Wynne, in support and on behalf of, the applicant.

Following consideration of the report, presentation and addendum, and the representations made at the meeting, the Committee agreed to grant permission in accordance with the recommendations in the report with additional conditions to be added as proposed by Bishops Tachbrook Parish Council.

RESOLVED that outline planning permission W14/0023 be GRANTED subject to the receipt of a satisfactory Section 106 Agreement and subject to the conditions listed below.

Should a satisfactory Section 106 Agreement not have been completed by 29 May 2014, authority is delegated to the Head of Development Services to REFUSE planning permission on the grounds that the proposals make inadequate provision in respect of the issues the subject of that agreement.

(1) this permission is granted under the provisions of Article 4(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2010 as amended, on an outline application and the further approval of the District Planning Authority shall be required to the undermentioned matters hereby reserved before any development is commenced:-
   (a) layout
   (b) scale
   (c) appearance
   (d) landscaping

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

(2) application for approval of the reserved matters shall be made to the local planning authority not later than three years of the date of this permission. **REASON:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended);

(3) the development to which this permission relates shall begin within three years of the date of 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) the access hereby permitted shall be constructed in strict accordance with the details shown on the site location plan and approved access drawing(s) ITB8073-GA-004 Rev C, and specification contained therein, submitted on 25 February 2014. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1, DP2 and DP6 of the Warwick District Local Plan 1996-2011;

(5) an application for the approval of a construction phasing plan for the development shall be submitted before the expiry of three years from the date of this permission. The development shall thereafter be carried out in accordance with the phases established in the phasing plan as approved by the local planning authority. **REASON**: To ensure the proper phasing of the development;

(6) no development shall take place under any relevant phase of development until a detailed lighting scheme for that phase has been submitted to and agreed in writing by the local planning authority. In discharging this condition the local planning authority expects lighting to be restricted around the boundary edges, particularly along hedgerows, where protected species are likely to be found, and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife. This could be achieved in the following ways:

(a) low pressure sodium lamps should be used in preference to high pressure sodium or mercury lamps;
(b) the brightness of lights should be as low as legally possible;
(c) lighting should be timed to provide some dark periods; and
(d) connections to areas important for foraging should contain unlit stretches.

Such works, and use of that lighting and/or illumination, shall be carried out and operated only in full 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 and to ensure that appropriate measures are taken in relation to protected species in accordance with Policies DP2, DP3, DP9 and DAP3 of the Warwick District Local Plan 1996-2011;

(7) no phase of the development shall take place under any reserved matters consent until a scheme for that reserved matters consent and phase of development showing how 10% of the predicted energy requirement of this development will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in writing by the local planning authority. That phase of development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. **REASON** : To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;

(8) no development shall take place under any reserved matters consent until a scheme for that reserved matters consent has been submitted to and approved in writing by the local planning authority indicating how and when the 'Secured by Design' standards will be incorporated into the development. The scheme shall be implemented in accordance with the approved details and shall be retained at all times thereafter. **REASON**: To ensure Secured by Design standards are met, in accordance with Policy DP14 of the Warwick District Local Plan;

(9) 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 local 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, a Guide for Trees in relation to 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 local planning authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **REASON:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;

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

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

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

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

(11) the development hereby permitted (including demolition) 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 and notable species with subsequent mitigation as deemed appropriate. In addition appropriate working practices and safeguards for other wildlife dependent of further survey work, that are to be employed whilst works are taking place on site. The

agreed Construction and Environmental Management Plan shall thereafter be implemented in full. **REASON**: To ensure that protected species are not harmed by the development in accordance with National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Saved Policy DAP 3 of the Warwick District Local Plan;

(12) the development hereby permitted shall not 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 pond, wildflower grasslands, provision of habitat for protected species. Such approved measures shall thereafter be implemented in full. **REASON**: To ensure a net bio-diversity gain in accordance with the National Planning Policy Framework (NPPF);

(13) the development hereby permitted shall not commence until: -

(1) (a) 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:

- a risk assessment to be undertaken relating to human health;
- a risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected;
- an appropriate gas risk assessment to be undertaken;
- refinement of the conceptual model; and
- the development of a method statement detailing the remediation requirements.

(b) The site investigation has been undertaken in accordance with details approved by the local planning authority and a risk assessment has been undertaken.
(c) A method statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters using the information obtained from the site investigation, has been submitted to the local planning authority. The method statement shall include details of how the remediation works will be validated upon completion and shall 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 deal with.

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

REASON: To safeguard health, safety and the environment in accordance with Policies DP2, DP3 & DP9 of the Warwick District Local Plan 1996-2011;

(14) the development hereby permitted shall not

commence until a scheme detailing arrangements to protect residents of the development from excessive traffic noise entering habitable rooms and the provision of quiet garden areas shielded from road noise shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details and shall be retained thereafter. **REASON:** To protect residents of the development from the adverse effects of traffic noise from outside the development in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;

(15) the development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority. **REASON:** In the interests of fire safety;

(16) the development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which has been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and 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, unless otherwise agreed in writing by the local planning authority. **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 DP2, DP6, DP8 & DP9 of the Warwick District Local Plan 1996-2011;

(17) no development shall take place unless and until a Low Emission Strategy 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 Policy DP9 of the Warwick District Local Plan and the aims and objectives of national guidance within the NPPF 2012;

(18) the development hereby permitted shall be carried out in strict accordance with the details of surface and foul water drainage works that shall have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011;

(19) no development shall take place under any reserved matters consent until a scheme for that reserved matters consent has been submitted to and approved in writing by the local planning authority demonstrating that surface water runoff does not exceed runoff from the undeveloped site and does not increase the risk of flooding off-site. Post development runoff volumes and peak flow rates will be limited to the Greenfield discharge rate for all rainfall return periods up to and including the 100 year plus 30% (for climate change) as outlined within the Flood Risk Assessment. On-Site surface water attenuation will be provided to the 1:100 Climate change (30%) standard using Sustainable Urban Drainage Systems. The site drainage strategy will demonstrate the appropriate assessment and adoption of SUDS techniques. The approved systems shall thereafter be retained and shall be managed and maintained in strict accordance with the approved details. **REASON:** To ensure that a satisfactory means of drainage is provided such as to minimise flooding, which promotes and maintains the good stewardship of the natural and built

environment in accordance with Policies DP11 & DP3 of the Warwick District Local Plan 1996-2011;

(20) any landscaping (other than the planting of trees and shrubs) approved under condition 1, including boundary treatment, paving and footpaths, shall be completed in all respects for that phase of development, with the exception of tree(s) and shrub(s) planting, within the first planting season following the first use of the dwellings within that phase and the tree(s) and shrub(s) shall be planted within six months of 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 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 DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011;

(21) the existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any tree(s) or shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with tree(s) and shrub(s) of such size and species details of which must be submitted to and approved by the local planning authority. All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces). **REASON:** To protect those 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 DP1 and DP3 of the Warwick District Local Plan 1996-2011;

(22) the mix of type and size of market dwellings submitted as part of any reserved matters application must accord with the recommendations contained within the most up to date version of the "Development Management Policy Guidance : Achieving Mix of Market Housing on new Development Sites". **REASON**: To ensure that the housing meets the needs of the District as required by Local Plan Policy SC1 and the NPPF;

(23) the building heights shall not exceed 2 storey or 2.5 storey for landmark buildings as indicated within the submitted RPS Design and Access Statement dated November 2012. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

(24) none of the dwellings hereby permitted shall be occupied unless and until a sustainable welcome pack has been provided to help promote sustainable travel in the local area in accordance with details that shall have been first agreed in writing with the local planning authority. **REASON:** In the interests of highway safety and to meet the requirements of policy DP6 of the Warwick District Local Plan 1996-2011;

(25) prior to first occupation each of the dwellings hereby permitted, the first occupiers of the dwelling shall be provided with a sustainable welcome pack to help promote sustainable travel in the local area in accordance with details that shall have been first agreed in writing by the local planning authority. **REASON:** In the interests of promoting sustainable travel, in accordance with Policy SC12 of the Warwick District Local Plan 1996-2011;

(26) completion of the Safer Route to School from the Leopard public house to the school be included in any Section 106 requirements; and

(27) Traffic calming measures along Oakley Wood Road through the village be included in any

Section 106 requirements.

193. **W14/0134 – THE LAWNS, 1 GLEAVE ROAD, WHITNASH**

The Committee considered an application from Runwood Homes Plc which requested permission to vary Condition No 2 of planning permission W12/1469. This permission was for the construction of a two storey home after demolition of existing 3 storey building and associated car parking – to be amended to include the revised drawing numbers (SK 012 rev B, SK 013, rev B, Sk 014 rev A) which showed an increase in the number of rooms from 65 to 72, with proposed car parking spaces remaining at 24.

The application was presented to the Committee because an objection had been received from Whitnash Town Council.

The officer considered the following policies to be relevant:

National Planning Policy Framework
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
Vehicle Parking Standards (Supplementary Planning Document)

An addendum circulated prior to the meeting proposed an additional condition which had been suggested in view of the comments received regarding the impact of construction activities. The condition restricted construction deliveries and work on site to specific times during the week , no deliveries on Sundays and Bank Holidays.

It was the officer's opinion that application would provide suitable parking provision for the proposed use, and would comply with the policies listed.

Councillor Mrs Falp addressed the committee, on behalf of Whitnash Town Council, in objection to the application.

Following consideration of the report, presentation and addendum, and the representations made at the meeting, the Committee agreed that the application should be granted in accordance with the officers recommendations and subject to the additional condition outlined in the addendum.

RESOLVED that W14/0134 be GRANTED subject to the following conditions:

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

(2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and

approved drawing numbers SK010; 011; 015; 016; 017; 018, 019 and MK RH WL 01 Rev A submitted with application W/12/1469 on 21 November 2012, and with drawing numbers SK012 Rev B; 013 rev B and 014 rev A submitted with application W/14/0134 on 29 January 2014, and specification contained therein, . **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

(3) development shall be carried out in accordance with the external sample material details approved under application W/12/1469. **REASON**: To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;

(4) the hardstanding shall be constructed and surfaced, in full accordance with the details approved under application W/12/1469. **REASON:** To reduce surface water run-off and to ensure that the development does not increase the risk of flooding elsewhere, in accordance with Policy DP11 of the Warwick District Local Plan;

(5) the scheme for the provision of suitable bat boxes and bird boxes approved under application W/12/1469 shall be carried out in accordance with the approved details. Thereafter, the boxes shall be installed and maintained in perpetuity. **REASON:** In accordance with National Planning Policy Framework and ODPM Circular 06/2005 and Policy DP3 in the Warwick District Local Plan 1996-2011;

(6) the development shall be carried out in accordance with the drainage plans for the disposal of surface water and foul sewage approved under application W/12/1469. The scheme shall be implemented in accordance with the approved details before the development is first brought into use. **REASON:** To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and minimise the risk of pollution, in accordance with Policy DP9 in the Warwick District Local Plan 1996-2011;

(7) the applicant shall comply with the requirements and measures of the Green Travel Plan approved under application W/12/1467. The measures (and any variations) so approved shall continue to be implemented in full at all times. **REASON:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;

(8) should the public highway be damaged or affected as a consequence of the works being undertaken during the development of the site, the developer will be required to undertake work to remediate this damage as agreed with the Area Surveyor/Locality Officer (Area Team – County Highways), in reference to the condition survey approved under application W/12/1469. **REASON:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;

(9) remedial measures shall be carried out in strict accordance with the contamination survey and proposed remediation measures approved under application W/12/1469. **REASON:** To ensure protection of nearby water courses in accordance with Policy DP9 in the Warwick District Local Plan 1996-2011;

(10) no development or other operations (including demolition, site clearance or other preparatory works) shall commence unless the tree protection measures identified in the approved application documentation submitted with application W/12/1469 have been put into place in full accordance with the approved details and thereafter shall remain in place during any such construction work unless otherwise agreed in writing by the local planning authority. In addition no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with

their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **REASON:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;

(11) the development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works shown on drawing number MK RH WL 01 Rev A submitted with application W/12/1469 which have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, and hard surfacing which shall be made of porous materials or provision shall be made to direct run-off 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 care home 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 similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011;

(12) the accesses to the site shall not be reconstructed/widened in such a manner as to reduce the effective capacity of any drain within the limits of the public highway. **REASON:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;

(13) the accesses to the site for vehicles shall not be used unless the public highway footway crossings have been laid out and constructed in accordance with the standard specification of the Highway Authority. **REASON:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;

(14) the development hereby permitted shall not be first occupied unless and until the renewable energy scheme submitted as part of application W/12/1469 has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturers specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. **REASON** : To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011; and

(15) there shall be no construction related deliveries to the application site before 0800 or after 1700 on Monday to Saturday and no deliveries on Sundays and Bank Holidays and there shall be no construction work on site before 0730 or after 1700 on Monday to Saturday, or at any time on Sundays or Bank Holidays. **Reason:** To protect to living conditions of the occupiers of nearby residential properties during construction works in accordance with policy DP2 of the Warwick District Local Plan 1996 - 2011.

194. **W14/0397 – UNIT 2, REGENT COURT, LIVERY STREET, ROYAL LEAMINGTON SPA**

This application was withdrawn prior to the meeting and the reasons for this were outlined in the addendum, as detailed below:

Following legal advice it had been decided that the proposed external seating areas at Regent Court only required planning permission due to the condition on the previous approval. Therefore, the change of use applications had been withdrawn (Item 9 – W14/0397 & Item 11 – W14/0438). In effect this was a legal technicality given that planning permission was still required to vary the condition prohibiting external seating areas. Therefore, the variation of condition applications remained live and would be considered by Planning Committee (Item 10 – W14/0430 & Item 12 – W14/0437).

195. **W14/0430 – UNIT 2, REGENT COURT, LIVERY STREET, ROYAL LEAMINGTON SPA**

The Committee considered an application from NewRiver Retail for the variation of condition 6 of planning permission W13/1578. The variation would allow for the creation of an outdoor seating area in front of Unit 2; the restriction would remain in place for the remainder of the units covered by planning permission W13/1578.

The application was presented to the Committee because it had previously been agreed that further applications for outdoor seating at Regent Court should be considered by them.

The officer considered the following policies to be relevant:

DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
TCP13 - Design of Shopfronts (Warwick District Local Plan 1996 - 2011)
Design Advice on Shopfronts & Advertisements in Royal Leamington Spa (Supplementary Planning Guidance).
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
TCP5 - Secondary Retail Areas (Warwick District Local Plan 1996 - 2011)
DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
Vehicle Parking Standards (Supplementary Planning Document)
Sustainable Buildings (Supplementary Planning Document - December 2008)
National Planning Policy Framework

An addendum circulated prior to the meeting outlined further consultation responses from Royal Leamington Spa Town Council and comments from two further neighbours in objection to the application. The addendum explained that following a meeting with WDC Environmental Health, officers would raise no objection, subject to amendments to the proposed conditions.

As a result, the addendum proposed a revised recommendation to grant the variation, subject to no materially different adverse comments being submitted before the consultation deadline of 15 May 2014.

It was the officer's opinion that, subject to the resolution of the issues raised by Environmental Health, the proposals would have an acceptable impact on the living conditions of neighbouring dwellings and on the character and appearance of the Conservation Area. It was recommended

that the variation of the condition be granted. The recommendation was subject to change if the Environmental Health issues were not satisfactorily resolved before Committee.

Mr Barnwell, a local resident, addressed the Committee in objection to the application and Mr Wrighton, spoke on behalf of the applicant, in support of the application. Both speakers were allowed additional time and spoke about applications W14/0430 and W14/0437 together as the units in question were located in the close proximity to each other.

Members felt that the developer needed to liaise with officers to put forward a revised master scheme which included better solutions for mitigating noise issues and these should be discussed with residents to ensure full engagement. Members were mindful that the Conservation officer had proposed retractable canopies but felt that the noise issues may take preference over the aesthetic appearance of the street.

Following consideration of the report, presentation and addendum, and the representations made at the meeting, the Committee agreed that the item should be deferred for the reasons stated below.

RESOLVED that W14/0430 be DEFERRED because the consultation period did not end until 15 May 2014 and to enable further discussions with the applicant regarding the appearance and noise attenuation of the canopies.

196. **W14/0438 – UNIT 6, REGENT COURT, LIVERY STREET, ROYAL LEAMINGTON SPA**

This application was withdrawn prior to the meeting and the reasons for this were outlined in the addendum, as detailed below:

Following legal advice it had been decided that the proposed external seating areas at Regent Court only required planning permission due to the condition on the previous approval. Therefore, the change of use applications had been withdrawn (Item 9 – W14/0397 & Item 11 – W14/0438). In effect this was a legal technicality given that planning permission was still required to vary the condition prohibiting external seating areas. Therefore, the variation of condition applications remained live and would be considered by Planning Committee (Item 10 – W14/0430 & Item 12 – W14/0437).

197. **W14/0437 – UNIT 6, REGENT COURT, LIVERY STREET, ROYAL LEAMINGTON SPA**

The Committee considered an application from NewRiver Retail for the variation of condition 6 of planning permission W13/1578. The variation would allow for the creation of an outdoor seating area in front of Unit 2; the restriction would remain in place for the remainder of the units covered by planning permission W13/1578.

The application was presented to the Committee because it had previously been agreed that further applications for outdoor seating at Regent Court should be considered by them.

The officer considered the following policies to be relevant:

DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
TCP13 - Design of Shopfronts (Warwick District Local Plan 1996 - 2011)
Design Advice on Shopfronts & Advertisements in Royal Leamington Spa (Supplementary Planning Guidance).
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
TCP5 - Secondary Retail Areas (Warwick District Local Plan 1996 - 2011)
DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
Vehicle Parking Standards (Supplementary Planning Document)
Sustainable Buildings (Supplementary Planning Document - December 2008)
National Planning Policy Framework

An addendum circulated prior to the meeting outlined further consultation responses from Royal Leamington Spa Town Council and comments from two further neighbours in objection to the application. The addendum explained that following a meeting with WDC Environmental Health, officers would raise no objection, subject to amendments to the proposed conditions.

As a result, the addendum proposed a revised recommendation to grant the variation, subject to no materially different adverse comments being submitted before the consultation deadline of 15 May 2014.

It was the officer's opinion that, subject to the resolution of the issues raised by Environmental Health, the proposals would have an acceptable impact on the living conditions of neighbouring dwellings and on the character and appearance of the Conservation Area. It was therefore, recommended that the variation of the condition be granted. This recommendation was subject to change if the Environmental Health issues were not satisfactorily resolved before Committee.

Mr Barnwell, a local resident, addressed the Committee in objection to the application and Mr Wrighton, spoke on behalf of the applicant, in support of the application. Both speakers were allowed additional time and spoke about applications W14/0430 and W14/0437 together as the units in question were located in the close proximity to each other.

Following consideration of the report, presentation and addendum, and the representations made at the meeting, the Committee agreed that the item should be deferred for the reasons stated below.

RESOLVED that W14/0437 be DEFERRED because the consultation period did not end until 15 May 2014 and to enable further discussions with the applicant regarding the appearance and noise attenuation of the canopies.

198. **W14/0231 – 11 LEAR GROVE, WARWICK**

The Committee considered an application from Mr Singh for the erection fo a two storey rear extension.

The application was presented to the Committee an objection had been received from Warwick Town Council.

The officer considered the following policies to be relevant:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
Residential Design Guide (Supplementary Planning Guidance - April 2008)
Vehicle Parking Standards (Supplementary Planning Document)
National Planning Policy Framework
The 45 Degree Guideline (Supplementary Planning Guidance)
Distance Separation (Supplementary Planning Guidance)

It was the officer's opinion that the development was considered to comply with the policies listed and is recommended for approval.

Mrs Rodger and Mr Greenwood addressed the Committee as neighbouring residents and in objection to the application. Councillor Mrs Mellor spoke, in her capacity of Ward Councillor and represented the views of the applicant Mr Singh, in support of the application.

Members had visited the application site during their site visits and were comfortable with the proposed size of the extension. It was agreed that an additional condition be added to ensure that the 10% renewable energy guidelines were met.

Following consideration of the report and presentation, and the representations made at the meeting, the Committee decided to grant the application, in accordance with the officers recommendations and including the additional renewable energy condition.

RESOLVED that W14/0231 be GRANTED subject to the following conditions;

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

(2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 2024/2/B and 2024/1A, and specification contained therein, submitted on 9th April 2014. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

(3) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON :** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011; and

(4) 10% renewable energy condition

199. **W14/0131 – PARK LODGE, BARFORD ROAD, WARWICK**

The Committee considered an application from Mr Gildea for the erection of a single storey side extension, single storey rear porch extension and the erection of a garden building.

The application was presented to the Committee because an objection had been received from Barford, Sherbourne and Wasperton Joint Parish Council.

The officer considered the following policies to be relevant:

The National Planning Policy Framework
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
Sustainable Buildings (Supplementary Planning Document - December 2008)
The 45 Degree Guideline (Supplementary Planning Guidance)
Residential Design Guide (Supplementary Planning Guidance - April 2008)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)

An addendum circulated prior to the meeting clarified that following the receipt of revised plans (prior to the inclusion of this item on this agenda),

the District Council's Conservation Officer advised that there was no objection on conservation grounds to the proposed revised scheme.

It was the officer's opinion that the proposed single storey rear bedroom extension; single storey side porch extension and detached garden store were acceptable in terms of their character and appearance within the street scene and on the Conservation Area and did not significantly impact on the amenities of surrounding neighbours such as would support a reason for refusal.

Following consideration of the report, presentation and addendum, the Committee decided to grant the application in accordance with the officers recommendation.

RESOLVED that W14/0131 be GRANTED subject to the following conditions:

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

(2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved amended drawing 2869 - A.02.1 Revision A, and specification contained therein, submitted on 11th April, 2014. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

(3) no development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods, at a scale of 1:5 (including details of materials) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011; and

(4) no development or other operations (including demolition, site clearance or other preparatory works) shall be commenced unless and until adequate steps, which shall have been

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

200. W14/0301 – 3 MYLGROVE, BAGINTON

The Committee considered an application from Mr Feeney for the proposed erection of a first floor side extension.

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

The officer considered the following policies to be relevant:

National Planning Policy Framework
Residential Design Guide (Supplementary Planning Guidance - April 2008)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
Sustainable Buildings (Supplementary Planning Document - December 2008)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
Vehicle Parking Standards (Supplementary Planning Document)
The 45 Degree Guideline (Supplementary Planning Guidance)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)

It was the officer's opinion that the proposed first floor side extension is acceptable in terms of its character and appearance within the street scene and does not significantly impact on the amenities of surrounding neighbours such as would support a reason for refusal.

Following consideration of the report and presentation, the Committee agreed that the application should be granted in line with officers' recommendations.

RESOLVED that W14/0301 be GRANTED subject to the following conditions:

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

(2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing Issue 4. 02/03/2014, and specification contained therein, submitted on 5th March 2014. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011; and

(3) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON :** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.

201. **W14/0054 – 58 ARRAS BOULEVARD, HAMPTON MAGNA, BUDBROOKE, WARWICK**

The Committee considered an application from Mrs Kirton for raising the roof height of part of the main dwelling house and construction of a rear roof dormer.

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

The officer considered the following policies to be relevant:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
Sustainable Buildings (Supplementary Planning Document - December 2008)
Residential Design Guide (Supplementary Planning Guidance - April 2008)
The 45 Degree Guideline (Supplementary Planning Guidance)
RAP2 - Extensions to Dwellings (Warwick District Local Plan 1996 - 2011)
National Planning Policy Framework

It was the officer's opinion that the raising of the roof and rear dormer window are acceptable in terms of their character and appearance within the street scene and Green Belt and do not significantly impact on the amenities of surrounding neighbours such as would support a reason for refusal.

Following consideration of the report and presentation the Committee agreed that the item be granted in line with officers' recommendations.

RESOLVED that W14/0054 be GRANTED subject to the following conditions:

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

(2) the development hereby permitted shall be carried out strictly in accordance with the

details shown on the site location plan and approved drawing(s) and specification contained therein, submitted on 18 March 2014. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011; and

(3) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON :** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.

(The meeting ended at 9.00 pm)

Planning Committee: 27 May 2014 **Item Number:** 7

Application No: W 14 / 0430

Registration Date: 21/03/14
Town/Parish Council: Leamington Spa **Expiry Date:** 20/06/14
Case Officer: Rob Young
01926 456535 rob.young@warwickdc.gov.uk

Unit 2, Regent Court, Livery Street, Leamington Spa
Variation of condition 6 of planning permission no. W13/1578 to allow for the creation of an outdoor seating area in front of Unit 2, Regent Court; the restriction will remain in place for the remainder of the units covered by planning permission no. W13/1578 FOR New River Retail

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INTRODUCTION

This application is reported to Committee because it has previously been agreed that further applications for outdoor seating at Regent Court will be presented to Committee.

This application was deferred by Planning Committee on 29 April to enable further discussions with the applicant regarding the appearance and noise attenuation of the canopies. Further discussions have subsequently taken place with the applicant and the Council's Environmental Health Officers. The applicant has submitted a letter detailing the conclusions of these discussions, together with details of the proposed canopies, an Acoustic Statement from their acoustic experts and a revised Operational Management Plan.

The Acoustic Statement advises as follows:

- **Sound absorption:** The purpose of any installed awning would be to increase the amount of acoustic absorption within the space; due to the lightweight nature of acoustically absorbent awning materials, it is not considered that a canopy would attenuate 'direct' noise which would potentially transfer straight through the material.
- **Overall noise strategy:** In itself, an acoustically absorbent canopy will not significantly reduce any future patron noise associated with the A3 operation. Whilst the canopy would help in reducing the 'reverberant' noise in the courtyard area, the solution would form only a small part of the overall noise reduction strategy for the development. A more significant control would be through use of the proposed management plan which, amongst other policies, offers controls on signage, the movement of furniture, the type of furniture and allowable hours for outdoor dining.
- **Awning style:** For any 'awning' to offer significantly increased acoustic benefits, it is considered that a fully enclosed solid structure would be required. This would allow the 'direct' noise to be attenuated but would require a fully sealed structure constructed out of dense materials. The aesthetics of such a material would conflict with the architectural vision for

the courtyard space as they would be of industrial type, e.g. metal cladding with dense mineral wool, cement particle board, in-situ concrete. Such materials would therefore appear at odds with the open nature of the existing courtyard area at Regent Court and may therefore be unsuitable and impractical. The effectiveness of an awning constructed of solid dense materials would be significantly limited due to the gaps between adjacent awnings. To be significantly effective at reducing vertical noise transfer the awnings would need to be acoustically sealed, at which point becoming more akin to internal spaces. Where any acoustically absorbent awnings are installed, it is unlikely that the acoustic benefits offered by either a fixed or retractable system would vary significantly.

The letter from the applicant advises as follows:

- prospective occupiers of the units, particularly high quality occupiers, have a requirement for external seating in this location; external seating is a requirement to occupiers to maximise covers and also to provide ambience and the type of dining experience expected by customers;
- to achieve a significant acoustic benefit the outdoor seating area would need to be enclosed above and on all sides, this would not represent external seating as desired by the occupiers and would not represent a commercially attractive proposition;
- providing extensive roof cover awnings or canopies is not considered to be appropriate within the Conservation Area, would not present an attractive scheme, would not be attractive to retailers and would not allow adequate fire tender access;
- the provision of fixed canopies rather than retractable awnings will not provide any increase in acoustic absorption and would represent a less attractive scheme for retailers;
- an updated Operational Management Plan has been submitted and this includes a range of measures to protect residential amenity, including ceasing the use of external seating by 9.30pm, requiring rubber footings on furniture and requiring external furniture to be left in place overnight;
- Policy TC9 of the Draft Local Plan seeks to ensure that new restaurant and cafe uses are secured and delivered at Regent Court; and
- paragraph 3.81 of the Draft Local Plan notes the Council's aspiration to increase footfall and pedestrian circulation in this area of the town centre; the proposals for outdoor seating in this location fully complies with these objectives.

The report that follows is largely the same as the report that was submitted to the 29 April Planning Committee, updated to reflect the further consultation responses that have been received and to refer to the further discussions that have taken place about the canopies.

RECOMMENDATION

Planning Committee are recommended to GRANT this variation of condition, subject to conditions.

DETAILS OF THE DEVELOPMENT

The application proposes the variation of condition 6 of planning permission no. W13/1578 to allow for the creation of an outdoor seating area in front of Unit 2. This relates to an area of 25.7 sq m and would provide space for 28 covers. The restriction will remain in place for the remainder of the units covered by planning permission no. W13/1578

The application was accompanied by a Noise Report and an Operational Management Schedule. Further noise mitigation information has subsequently been submitted, as detailed above in the introduction to this report.

There is also another application currently under consideration in relation to the creation of an external seating area outside Unit 6 (Ref. W14/0437). This the subject of another item on this agenda.

THE SITE AND ITS LOCATION

The application relates to a shop unit on the southern side of Livery Street. The site is situated within the retail area of Leamington Town Centre and within the Leamington Spa Conservation Area. There are flats on the upper floors of the building and on the upper floors of the building opposite.

The unit has planning permission for a change of use to a restaurant (Use Class A3). Livery Street is pedestrianised and some of the other units along the street have external seating areas to the front, including Strada, Nandos, Bar Angeli and Starbucks.

PLANNING HISTORY

In 2002 planning permission was granted for "Change of use and conversion of Regent Hotel at basement and ground level (in parts) for Class A1 or A3 purposes with continued use of upper floors for hotel purposes. Erection of a new mixed development of 132 flats with ground floor Class A1 or A3 units and a basement car park for 131 vehicles accessed off Regent Grove. The scheme included alterations and extensions to Listed Buildings within the site including the demolition of rear wings to the Regent Hotel, No. 90 Regent Street and 31 Regent Grove, the demolition of non-listed buildings within the site, and the creation of a new street linking Regent Street and Parade, all as shown on the submitted plans" (Ref. W01/0483).

In May 2013 planning permission was granted for the creation of an outdoor seating area outside Nandos (Ref. W13/0350). This was a one year temporary permission to enable the effects of the use to be assessed before considering a permanent permission.

In July 2013 planning permission was granted for "Removal of condition 17 of planning permission W01/0483 (condition 17 restricts the total amount of A3 (restaurant and cafe) floorspace within the units fronting Livery Street and Regent Street to no more than 1,115 sq m)" (Ref. W13/0528). This permission

was granted on the understanding that planning permission would still be required for the change of use of individual units.

In December 2013 planning permission was granted for the change of use of Unit 11 from retail (Use Class A1) to a restaurant (Use Class A3) (Ref. W13/1339).

In February 2014, planning permission was granted for "Change of use of ground floor retail units (Use Class A1) to cafes / restaurants (Use Class A3) (known as units SU1C, SU2A, SU3A, SU3B, SU4, SU5, SU6, SU7A, SU7B, SU8, SU12); shopfront alterations; public realm works; and alterations to highway land at the Regent Street entrance" (Ref. W13/1578). This authorised the change of use of the unit that is the subject of the current application to a restaurant. This permission was subject to various conditions, including a prohibition on the creation of outdoor seating areas (condition 6). It was intended that future occupiers would submit applications for external seating areas on an individual basis if they wish to pursue this option (as in the current case).

RELEVANT POLICIES

- DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
- DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- TCP13 - Design of Shopfronts (Warwick District Local Plan 1996 - 2011)
- Design Advice on Shopfronts & Advertisements in Royal Leamington Spa (Supplementary Planning Guidance).
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- TCP5 - Secondary Retail Areas (Warwick District Local Plan 1996 - 2011)
- DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- Vehicle Parking Standards (Supplementary Planning Document)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- National Planning Policy Framework
- The emerging Warwick District Local Plan 2011 – 2029.

SUMMARY OF REPRESENTATIONS

Town Council: Object. The creation of an outdoor seating area in front of the Unit may increase the risk of an unreasonable degree of noise and disturbance both from the premises and customers which may adversely impact on residents living above and adjacent to these properties.

Public response: 6 neighbours have objected on the following grounds:

- increased noise and disturbance;
- the noise is especially bad at closing time;
- outdoor seating areas will exacerbate existing noise issues;
- the acoustics of the street just amplify and reverberate any noise; and
- increased smells from cooking.

WDC Environmental Health: Following a meeting with the applicant to discuss the measures to limit noise and disturbance, raise no objection, subject to conditions to restrict the hours of use of the external seating area, to require the overhead canopy be maintained in an open position between the hours of 17.00 and 23.30, and to require that external covers be restricted to one table depth across the unit frontage. Confirm that they are satisfied that all other outstanding issues can or have been addressed within the Operational Management Plan.

ASSESSMENT

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

- the impact on the living conditions of nearby dwellings; and

- the impact on the character and appearance of the Conservation Area.

Impact on the living conditions of nearby dwellings

There are residential properties in close proximity to the proposed external seating area, on the upper floors of the application property and on the opposite side of Livery Street. Residents have raised concerns about potential noise from the outdoor seating area and have highlighted existing issues with noise from the seating area outside the Nandos premises. However, following extensive discussions about the potential noise issues, Environmental Health have raised no objection to the proposals.

The applicant has proposed a number of measures to mitigate any noise impact, including the provision of an acoustically absorbent canopy and the implementation of an Operational Management Plan which will include measures for dealing with any noise issues. The canopy and Operational Management Plan are covered by conditions on the planning permission for the change of use of the unit to a restaurant (Ref. W13/1578).

Previous planning permissions for the Regent Court development have restricted the hours of use of any external seating areas to 2230 hours. Given the concerns of residents and the potential cumulative impact of additional outdoor seating areas, the applicant has agreed that a more restrictive condition would be appropriate if planning permission is granted for the current proposals. The applicant has proposed to limit the hours of use of the seating area to between 0930 hours and 2130 hours.

One particular noisy activity that has been highlighted by residents is the dragging of tables and chairs inside the premises at closing time. In order to address this issue the applicant has agreed that any external tables and chairs will not be moved except during the permitted hours of use for the outdoor seating area. Conditions are recommended to deal with all of the restrictions that have been agreed.

Following the deferral of this application at the 29 April Planning Committee, further discussions have taken place regarding the potential for canopies to provide further mitigation against any noise impact. The applicant's response on these issues is summarised in the introduction to this report. Environmental Health have accepted the conclusions of the Acoustic Statement. The key conclusions are that a canopy will not provide significant noise mitigation unless it is a wholly enclosed structure, effectively a front extension to the building. This would not provide the external dining that the applicant and prospective occupiers desire. Furthermore, such a solution would be unacceptable on design grounds.

In view of the above conclusions, the applicant has proposed that retractable fabric canopies will be installed. These would not attenuate any 'direct' noise, but they would increase the amount of acoustic absorption within the space. This could aid in reducing the 'reverberant' noise in Livery Street. These canopies have to be considered as part of the overall noise reduction strategy for the development, including the measures proposed in the Operational Management Plan and the hours of use restrictions.

In considering the impact of the proposals, it is important to have regard to the fact that the provision of an external seating area would enhance the vitality and viability of the town centre. This is a benefit of the proposed change of use that must be weighed in the balance. Furthermore, whilst the provision of an external seating area would impact on nearby residents, it is important to bear in mind that the proposals relate to a busy commercial street at the heart of the town centre. It is also of note that Livery Street contains a number of established restaurants and cafes that are open in the evening and most of these premises have external seating areas, including Strada, Nandos, Bar Angeli and Starbucks. Therefore, taking all of these factors into account, together with the various mitigation measures that have been proposed, it is considered that the proposals would not cause unacceptable noise and disturbance for nearby dwellings.

Impact on the character and appearance of the Conservation Area

It is considered that the proposals would have an acceptable impact on the character and appearance of the Conservation Area. In reaching this conclusion it is noted that this is a modern shopping street within the Conservation Area where outdoor seating areas are an established feature of the street scene. The physical features defining the external seating area (e.g. the canopy and planters) have already been approved under planning permission no. W13/1578.

SUMMARY / CONCLUSION

The proposals would have an acceptable impact on the living conditions of neighbouring dwellings and on the character and appearance of the Conservation Area. Therefore it is recommended that this variation of condition is granted.

CONDITIONS

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

2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 301B, 302A, 303A, 304B, 307A & 309A, and specification contained therein, submitted on 17 January 2014 in relation to planning application no. W13/1578 and drawing no. 0132, submitted on 20 March 2014 in relation to the current planning application. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1, DP2 and DAP8 of the Warwick District Local Plan 1996-2011.

3 The development hereby permitted shall be carried out only in full accordance with sample details of the facing and surfacing materials which shall have been submitted to and approved in writing by the local planning authority. **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 Policies DP1 and DAP8 of the Warwick District Local Plan 1996-2011.

4 No development shall be carried out on the site which is the subject of this permission until further details of the box planters, tree pots, litter bins, public art, canopies and seating have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.

5 No customers shall be permitted to be on the premises other than between 0730 and 2330 hours on any day. **REASON:** To ensure that the premises are not used at a time which would be likely to cause nuisance or disturbance to nearby residents in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

6 No external seating shall be provided in association with any of the restaurants hereby permitted, except for the areas in front of Units 2 and 6 shown on drawing nos. 0132 & 0134. No customers shall be

permitted to use these external seating areas before 0930 hours or after 2130 hours on any day. At all times that these external seating areas are in use, the canopies to be approved under Condition 11 shall be maintained in the open position between 1700 hours and 2130 hours. No furniture within the external seating areas shall be moved before 0930 hours or after 2130 hours on any day. Any part of any furniture that is in contact with the ground shall be fitted with rubber stoppers to minimise noise. **REASON :** To protect the living conditions of nearby dwellings, in accordance with Policies DP2 and DP9 of the Warwick District Local Plan.

7 No deliveries, waste collections or other noisy activities likely to cause nuisance to nearby residents shall take place before 0700 hours or after 2130 hours on Monday to Saturday or before 0900 hours or after 1800 hours on Sundays. **REASON:** To ensure that noisy activities do not take place at a time which would be likely to cause nuisance or disturbance to nearby residents in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

8 Noise arising from any plant or equipment, when measured one metre from the façade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB(A) (measured as LAeq(5 minutes)). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **REASON:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

9 No restaurant / cafe hereby permitted shall be occupied unless:

(a) a noise assessment has been undertaken to assess the impact of noise arising from any plant, fume extraction, air conditioning or refrigeration equipment that is required to serve that unit;
(b) a noise assessment has been undertaken to assess the suitability of the existing sound insulation in the ceiling of that unit to ensure that internal noise levels within adjoining or nearby residential premises comply with the criteria outlined in BS8233:1999 and World Health Organisation guidelines;
(c) the results of the noise assessments carried out to comply with criteria (a) and (b), together with details of any necessary mitigation measures, have been submitted to and approved in writing by the local planning authority; and
(d) any necessary mitigation measures approved under (c) have been implemented in full accordance with the approved details.

The mitigation measures shall be retained at all times thereafter and

shall not be removed or altered in any way without the prior written approval of the local planning authority.

REASON: To ensure that the premises are not used in a manner prejudicial to or likely to cause nuisance or disturbance to the occupiers of nearby properties in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

10 No restaurant / cafe hereby permitted shall be occupied unless:

(a) an odour assessment has been undertaken to assess the impact of odour arising from cooking and any proposed fume extraction system that is required to serve that unit;
(b) the results of the odour assessments carried out to comply with criterion (a), together with details of any necessary mitigation measures, have been submitted to and approved in writing by the local planning authority; and
(c) any necessary mitigation measures approved under (b) have been implemented in full accordance with the approved details.

The mitigation measures shall be retained at all times thereafter and shall not be removed or altered in any way without the prior written approval of the local planning authority.

REASON: To ensure that the premises are not used in a manner prejudicial to or likely to cause nuisance to the occupiers of nearby properties in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

11 No restaurant / cafe hereby permitted shall be occupied unless:

(a) details of an acoustically absorbent canopy, to include enclosed sides, have been submitted to and approved in writing by the local planning authority; and
(b) the canopy approved under (a) has been installed in strict accordance with the approved details.

The canopy shall be retained and maintained in accordance with the approved details at all times that the premises are used as a restaurant / cafe.

REASON : To protect the living conditions of nearby dwellings, in accordance with Policies DP2 and DP9 of the Warwick District Local Plan.

12 None of the restaurants / cafes hereby permitted shall be occupied unless and until an Operational Management Plan addressing noise, manned security, CCTV, drainage and the management of external dining furniture has been submitted to and approved in writing by the local planning authority. All of the

restaurants / cafes hereby permitted shall be operated in strict accordance with this Plan. **REASON :** To protect the living conditions of neighbouring dwellings and to prevent crime and anti-social behaviour, in accordance with Policies DP2, DP9 and DP14 of the Warwick District Local Plan.

13 No restaurant / cafe hereby permitted shall be occupied unless:

(a) details of a refuse storage area for that unit have been submitted to and approved in writing by the local planning authority; and
(b) the refuse storage area approved under (a) has been constructed and laid out in strict accordance with the approved details.

The refuse storage area shall thereafter 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 DP1 of the Warwick District Local Plan 1996-2011.

14 No more than two of the restaurant / cafes hereby permitted shall be occupied unless:

(a) a CCTV scheme for Livery Street has been submitted to and approved in writing by the local planning authority; and
(b) the CCTV scheme approved under (a) has been implemented in strict accordance with the approved details.

REASON: In the interests of reducing crime and anti-social behaviour, in accordance with Policy DP14 of the Warwick District Local Plan 1996-2011.

15 No restaurant / cafe hereby permitted shall be occupied unless:

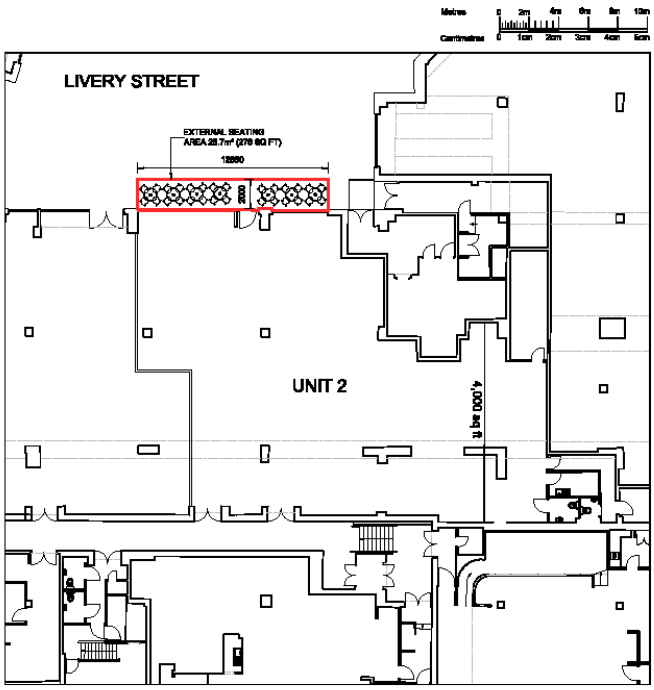
(a) a scheme showing how 10% of the predicted energy requirement of that unit will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority; and
(b) all the works within the scheme approved under (a) have been completed.

Thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable.

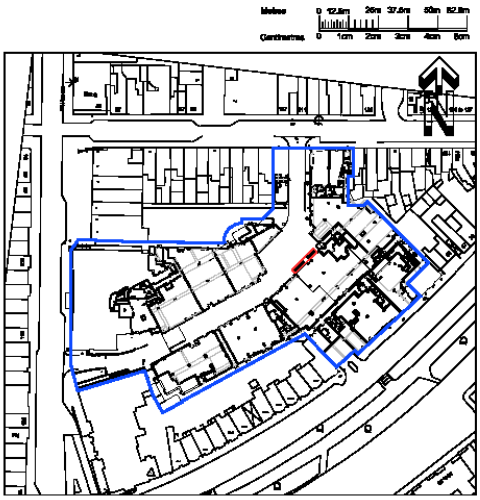
REASON : To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

16 No lighting or illumination of any part of any buildings or the site shall be installed or operated unless and until details of such measures shall have 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. **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 DP2 & DP9 of the Warwick District Local Plan 1996-2011.

17 No more than 28 external covers shall be permitted in relation to Unit 2. No more than 24 external covers shall be permitted in relation to Unit 6. **REASON:** To ensure that the premises are not used in a manner prejudicial to or likely to cause nuisance or disturbance to the occupiers of nearby properties in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.



PROPOSED SEATING PLAN
scale 1:200



LOCATION PLAN
scale 1:1250

FOR INFORMATION

CORSTORPHINE +WRIGHT

Planning Committee: 27 May 2014 **Item Number:** 8

Application No: W 14 / 0437

Registration Date: 31/03/14
Town/Parish Council: Leamington Spa **Expiry Date:** 30/06/14
Case Officer: Rob Young
01926 456535 rob.young@warwickdc.gov.uk

Unit 6, Regent Court, Livery Street, Leamington Spa
Variation of condition 6 of planning permission no. W13/1578 to allow for the creation of an outdoor seating area in front of Unit 6, Regent Court; the restriction will remain in place for the remainder of the units covered by planning permission no. W13/1578 FOR New River Retail

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INTRODUCTION

This application is reported to Committee because it has previously been agreed that further applications for outdoor seating at Regent Court will be presented to Committee.

This application was deferred by Planning Committee on 29 April to enable further discussions with the applicant regarding the appearance and noise attenuation of the canopies. Further discussions have subsequently taken place with the applicant and the Council's Environmental Health Officers. The applicant has submitted a letter detailing the conclusions of these discussions, together with details of the proposed canopies, an Acoustic Statement from their acoustic experts and a revised Operational Management Plan.

The Acoustic Statement advises as follows:

- **Sound absorption:** The purpose of any installed awning would be to increase the amount of acoustic absorption within the space; due to the lightweight nature of acoustically absorbent awning materials, it is not considered that a canopy would attenuate 'direct' noise which would potentially transfer straight through the material.
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the courtyard space as they would be of industrial type, e.g. metal cladding with dense mineral wool, cement particle board, in-situ concrete. Such materials would therefore appear at odds with the open nature of the existing courtyard area at Regent Court and may therefore be unsuitable and impractical. The effectiveness of an awning constructed of solid dense materials would be significantly limited due to the gaps between adjacent awnings. To be significantly effective at reducing vertical noise transfer the awnings would need to be acoustically sealed, at which point becoming more akin to internal spaces. Where any acoustically absorbent awnings are installed, it is unlikely that the acoustic benefits offered by either a fixed or retractable system would vary significantly.

The letter from the applicant advises as follows:

- prospective occupiers of the units, particularly high quality occupiers, have a requirement for external seating in this location; external seating is a requirement to occupiers to maximise covers and also to provide ambience and the type of dining experience expected by customers;
- to achieve a significant acoustic benefit the outdoor seating area would need to be enclosed above and on all sides, this would not represent external seating as desired by the occupiers and would not represent a commercially attractive proposition;
- providing extensive roof cover awnings or canopies is not considered to be appropriate within the Conservation Area, would not present an attractive scheme, would not be attractive to retailers and would not allow adequate fire tender access;
- the provision of fixed canopies rather than retractable awnings will not provide any increase in acoustic absorption and would represent a less attractive scheme for retailers;
- an updated Operational Management Plan has been submitted and this includes a range of measures to protect residential amenity, including ceasing the use of external seating by 9.30pm, requiring rubber footings on furniture and requiring external furniture to be left in place overnight;
- Policy TC9 of the Draft Local Plan seeks to ensure that new restaurant and cafe uses are secured and delivered at Regent Court; and
- paragraph 3.81 of the Draft Local Plan notes the Council's aspiration to increase footfall and pedestrian circulation in this area of the town centre; the proposals for outdoor seating in this location fully complies with these objectives.

The report that follows is largely the same as the report that was submitted to the 29 April Planning Committee, updated to reflect the further consultation responses that have been received and to refer to the further discussions that have taken place about the canopies.

RECOMMENDATION

Planning Committee are recommended to GRANT this variation of condition, subject to conditions.

DETAILS OF THE DEVELOPMENT

The application proposes the variation of condition 6 of planning permission no. W13/1578 to allow for the creation of an outdoor seating area in front of Unit 6. This relates to an area of 26 sq m and would provide space for 24 covers. The restriction will remain in place for the remainder of the units covered by planning permission no. W13/1578

The application was accompanied by a Noise Report and an Operational Management Schedule. Further noise mitigation information has subsequently been submitted, as detailed above in the introduction to this report.

There is also another application currently under consideration in relation to the creation of an external seating area outside Unit 2 (Ref. W14/0430). This the subject of another item on this agenda.

THE SITE AND ITS LOCATION

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The unit has planning permission for a change of use to a restaurant (Use Class A3). Livery Street is pedestrianised and some of the other units along the street have external seating areas to the front, including Strada, Nandos, Bar Angeli and Starbucks.

PLANNING HISTORY

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- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- TCP5 - Secondary Retail Areas (Warwick District Local Plan 1996 - 2011)
- DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- Vehicle Parking Standards (Supplementary Planning Document)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- National Planning Policy Framework
- The emerging Warwick District Local Plan 2011 – 2029.

SUMMARY OF REPRESENTATIONS

Town Council: Object. The creation of an outdoor seating area in front of the Unit may increase the risk of an unreasonable degree of noise and disturbance both from the premises and customers which may adversely impact on residents living above and adjacent to these properties.

Public response: 6 neighbours have objected on the following grounds:

- increased noise and disturbance;
- the noise is especially bad at closing time;
- outdoor seating areas will exacerbate existing noise issues;
- the acoustics of the street just amplify and reverberate any noise; and
- increased smells from cooking.

WDC Environmental Health: Following a meeting with the applicant to discuss the measures to limit noise and disturbance, raise no objection, subject to conditions to restrict the hours of use of the external seating area, to require the overhead canopy be maintained in an open position between the hours of 17.00 and 23.30, and to require that external covers be restricted to one table depth across the unit frontage. Confirm that they are satisfied that all other outstanding issues can or have been addressed within the Operational Management Plan.

ASSESSMENT

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

- the impact on the living conditions of nearby dwellings; and

- the impact on the character and appearance of the Conservation Area.

Impact on the living conditions of nearby dwellings

There are residential properties in close proximity to the proposed external seating area, on the upper floors of the application property and on the opposite side of Livery Street. Residents have raised concerns about potential noise from the outdoor seating area and have highlighted existing issues with noise from the seating area outside the Nandos premises. However, following extensive discussions about the potential noise issues, Environmental Health have raised no objection to the proposals.

The applicant has proposed a number of measures to mitigate any noise impact, including the provision of an acoustically absorbent canopy and the implementation of an Operational Management Plan which will include measures for dealing with any noise issues. The canopy and Operational Management Plan are covered by conditions on the planning permission for the change of use of the unit to a restaurant (Ref. W13/1578).

Previous planning permissions for the Regent Court development have restricted the hours of use of any external seating areas to 2230 hours. Given the concerns of residents and the potential cumulative impact of additional outdoor seating areas, the applicant has agreed that a more restrictive condition would be appropriate if planning permission is granted for the current proposals. The

applicant has proposed to limit the hours of use of the seating area to between 0930 hours and 2130 hours.

One particular noisy activity that has been highlighted by residents is the dragging of tables and chairs inside the premises at closing time. In order to address this issue the applicant has agreed that any external tables and chairs will not be moved except during the permitted hours of use for the outdoor seating area. Conditions are recommended to deal with all of the restrictions that have been agreed.

Following the deferral of this application at the 29 April Planning Committee, further discussions have taken place regarding the potential for canopies to provide further mitigation against any noise impact. The applicant's response on these issues is summarised in the introduction to this report. Environmental Health have accepted the conclusions of the Acoustic Statement. The key conclusions are that a canopy will not provide significant noise mitigation unless it is a wholly enclosed structure, effectively a front extension to the building. This would not provide the external dining that the applicant and prospective occupiers desire. Furthermore, such a solution would be unacceptable on design grounds.

In view of the above conclusions, the applicant has proposed that retractable fabric canopies will be installed. These would not attenuate any 'direct' noise, but they would increase the amount of acoustic absorption within the space. This could aid in reducing the 'reverberant' noise in Livery Street. These canopies have to be considered as part of the overall noise reduction strategy for the development, including the measures proposed in the Operational Management Plan and the hours of use restrictions.

In considering the impact of the proposals, it is important to have regard to the fact that the provision of an external seating area would enhance the vitality and viability of the town centre. This is a benefit of the proposed change of use that must be weighed in the balance. Furthermore, whilst the provision of an external seating area would impact on nearby residents, it is important to bear in mind that the proposals relate to a busy commercial street at the heart of the town centre. It is also of note that Livery Street contains a number of established restaurants and cafes that are open in the evening and most of these premises have external seating areas, including Strada, Nandos, Bar Angeli and Starbucks. Therefore, taking all of these factors into account, together with the various mitigation measures that have been proposed, it is considered that the proposals would not cause unacceptable noise and disturbance for nearby dwellings.

Impact on the character and appearance of the Conservation Area

It is considered that the proposals would have an acceptable impact on the character and appearance of the Conservation Area. In reaching this conclusion it is noted that this is a modern shopping street within the Conservation Area where outdoor seating areas are an established feature of the street scene. The physical features defining the external seating area (e.g. the canopy and planters) have already been approved under planning permission no. W13/1578.

SUMMARY / CONCLUSION

The proposals would have an acceptable impact on the living conditions of neighbouring dwellings and on the character and appearance of the Conservation Area. Therefore it is recommended that this variation of condition is granted.

CONDITIONS

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

2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 301B, 302A, 303A, 304B, 307A & 309A, and specification contained therein, submitted on 17 January 2014 in relation to planning application no. W13/1578 and drawing no. 0134, submitted on 27 March 2014 in relation to the current planning application. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1, DP2 and DAP8 of the Warwick District Local Plan 1996-2011.

3 The development hereby permitted shall be carried out only in full accordance with sample details of the facing and surfacing materials which shall have been submitted to and approved in writing by the local planning authority. **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 Policies DP1 and DAP8 of the Warwick District Local Plan 1996-2011.

4 No development shall be carried out on the site which is the subject of this permission until further details of the box planters, tree pots, litter bins, public art, canopies and seating have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.

5 No customers shall be permitted to be on the premises other than between 0730 and 2330 hours on any day. **REASON:** To ensure that the premises are not used at a time which would be likely to cause nuisance or disturbance to nearby residents in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

6 No external seating shall be provided in association with any of the

restaurants hereby permitted, except for the areas in front of Units 2 and 6 shown on drawing nos. 0132 & 0134. No customers shall be permitted to use these external seating areas before 0930 hours or after 2130 hours on any day. At all times that these external seating areas are in use, the canopies to be approved under Condition 11 shall be maintained in the open position between 1700 hours and 2130 hours. No furniture within the external seating areas shall be moved before 0930 hours or after 2130 hours on any day. Any part of any furniture that is in contact with the ground shall be fitted with rubber stoppers to minimise noise. **REASON :** To protect the living conditions of nearby dwellings, in accordance with Policies DP2 and DP9 of the Warwick District Local Plan.

7 No deliveries, waste collections or other noisy activities likely to cause nuisance to nearby residents shall take place before 0700 hours or after 2130 hours on Monday to Saturday or before 0900 hours or after 1800 hours on Sundays. **REASON:** To ensure that noisy activities do not take place at a time which would be likely to cause nuisance or disturbance to nearby residents in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

8 Noise arising from any plant or equipment, when measured one metre from the façade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB(A) (measured as LAeq(5 minutes)). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **REASON:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

9 No restaurant / cafe hereby permitted shall be occupied unless:

(a) a noise assessment has been undertaken to assess the impact of noise arising from any plant, fume extraction, air conditioning or refrigeration equipment that is required to serve that unit;
(b) a noise assessment has been undertaken to assess the suitability of the existing sound insulation in the ceiling of that unit to ensure that internal noise levels within adjoining or nearby residential premises comply with the criteria outlined in BS8233:1999 and World Health Organisation guidelines;
(c) the results of the noise assessments carried out to comply with criteria (a) and (b), together with details of any necessary mitigation measures, have been submitted to and approved in writing by the local planning authority; and
(d) any necessary mitigation measures approved under (c) have been implemented in full accordance with the approved details.

The mitigation measures shall be retained at all times thereafter and shall not be removed or altered in any way without the prior written approval of the local planning authority.

REASON: To ensure that the premises are not used in a manner prejudicial to or likely to cause nuisance or disturbance to the occupiers of nearby properties in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

10 No restaurant / cafe hereby permitted shall be occupied unless:

(a) an odour assessment has been undertaken to assess the impact of odour arising from cooking and any proposed fume extraction system that is required to serve that unit;
(b) the results of the odour assessments carried out to comply with criterion (a), together with details of any necessary mitigation measures, have been submitted to and approved in writing by the local planning authority; and
(c) any necessary mitigation measures approved under (b) have been implemented in full accordance with the approved details.

The mitigation measures shall be retained at all times thereafter and shall not be removed or altered in any way without the prior written approval of the local planning authority.

REASON: To ensure that the premises are not used in a manner prejudicial to or likely to cause nuisance to the occupiers of nearby properties in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

11 No restaurant / cafe hereby permitted shall be occupied unless:

(a) details of an acoustically absorbent canopy, to include enclosed sides, have been submitted to and approved in writing by the local planning authority; and
(b) the canopy approved under (a) has been installed in strict accordance with the approved details.

The canopy shall be retained and maintained in accordance with the approved details at all times that the premises are used as a restaurant / cafe.

At all times that Units 2 and 6 are used as a restaurant / cafe, the canopies to those units shall be maintained in a fully open position between 1700 hours and 2330 hours.

REASON : To protect the living conditions of nearby dwellings, in accordance with Policies DP2 and DP9 of the Warwick District Local Plan.

12 None of the restaurants / cafes hereby permitted shall be occupied unless and until an Operational Management Plan addressing noise, manned security, CCTV, drainage and the management of external dining furniture has been submitted to and approved in writing by the local planning authority. All of the restaurants / cafes hereby permitted shall be operated in strict accordance with this Plan. **REASON :** To protect the living conditions of neighbouring dwellings and to prevent crime and anti-social behaviour, in accordance with Policies DP2, DP9 and DP14 of the Warwick District Local Plan.

13 No restaurant / cafe hereby permitted shall be occupied unless:

(a) details of a refuse storage area for that unit have been submitted to and approved in writing by the local planning authority; and
(b) the refuse storage area approved under (a) has been constructed and laid out in strict accordance with the approved details.

The refuse storage area shall thereafter 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 DP1 of the Warwick District Local Plan 1996-2011.

14 No more than two of the restaurant / cafes hereby permitted shall be occupied unless:

(a) a CCTV scheme for Livery Street has been submitted to and approved in writing by the local planning authority; and
(b) the CCTV scheme approved under (a) has been implemented in strict accordance with the approved details.

REASON: In the interests of reducing crime and anti-social behaviour, in accordance with Policy DP14 of the Warwick District Local Plan 1996-2011.

15 No restaurant / cafe hereby permitted shall be occupied unless:

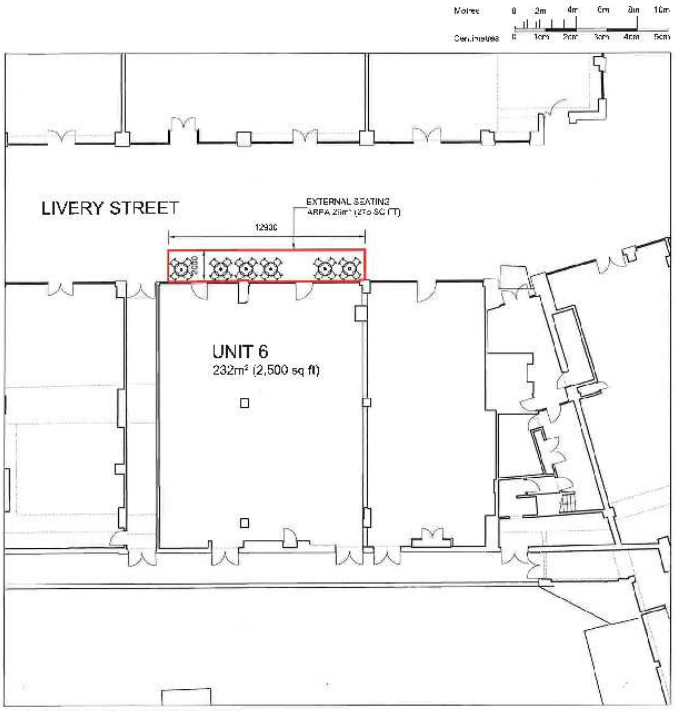
(a) a scheme showing how 10% of the predicted energy requirement of that unit will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority; and
(b) all the works within the scheme approved under (a) have been completed.

Thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable.

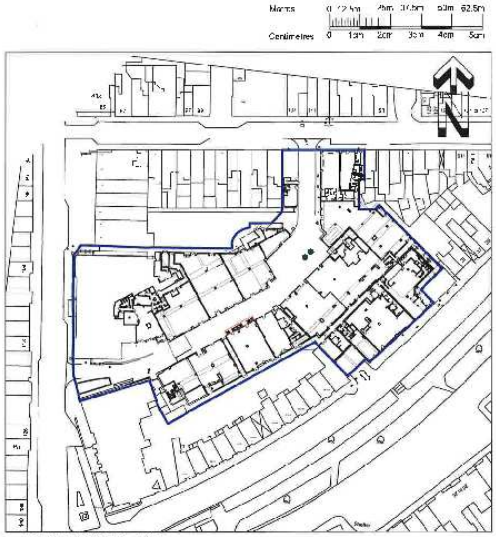
REASON : To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

16 No lighting or illumination of any part of any buildings or the site shall be installed or operated unless and until details of such measures shall have 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. **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 DP2 & DP9 of the Warwick District Local Plan 1996-2011.

17 No more than 28 external covers shall be permitted in relation to Unit 2. No more than 24 external covers shall be permitted in relation to Unit 6. **REASON:** To ensure that the premises are not used in a manner prejudicial to or likely to cause nuisance or disturbance to the occupiers of nearby properties in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.



PROPOSED SEATING PLAN
scale 1:200



LOCATION PLAN
scale 1:1250

FOR INFORMATION

NEW RIVER RETAIL

UNIT 6 EXTERNAL SEATING PLAN

CORSTORPHINE +WRIGHT

Planning Committee: 27 May 2014 **Item Number: 9**

Application No: W 14 / 0322

Registration Date: 07/03/14
Town/Parish Council: Radford Semele **Expiry Date:** 06/06/14
Case Officer: Penny Butler
01926 456544 penny.butler@warwickdc.gov.uk

Land East of Radford Semele,North of Southam Road, Radford Semele, Leamington Spa, CV31 1TP

Construction of up to 60 market and affordable dwellings, new vehicular access, open space and associated infrastructure (outline application including details of access) FOR Sharba Homes Ltd

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

RECOMMENDATION

Planning Committee are recommended to GRANT outline planning permission subject to the conditions listed and subject to the completion of a satisfactory Section 106 Agreement to secure the contributions listed, and subject to no further objection from National Grid, and any conditions requested by them. Should a satisfactory Section 106 Agreement not have been completed by 6th June 2014, Planning Committee are recommended to delegate authority to the Head of Development Services to REFUSE planning permission on the grounds that the proposals make inadequate provision in respect of the issues the subject of that agreement.

DETAILS OF THE DEVELOPMENT

The application proposes a residential development of 3.4 hectares in open countryside adjoining the eastern side of the village. Outline planning permission is sought with all matters reserved except for access. The indicative layout shows 60 dwellings and land allocated for public open space with potential for a play area, green space and footpath links. The development area occupies the western field and about half of the eastern field, terminating at the edge of the gas transmission works protection zone to the east. The indicative layout shows buildings can be sited off the water main crossing the site. Access is proposed from the northern side of Southam Road, with trees each side being removed to achieve visibility splays.

The application is supported by extensive documentation. This includes a Planning Statement, Design & Access Statement, Landscape & Visual Appraisal, and Transport Assessment (TA).

The Design and Access Statement indicates that:

"6.2 The proposed development will supply an urgent need for both private and affordable homes. As well as supply, it will create housing choice and new amenity spaces for the existing and new community whilst improving public access across the site and to the wider pedestrian network. 6.2 The masterplan is founded on the best practice in urban design, community integration and sustainable development, with strong links to the wider area. It aims to create a development for the 21st Century, whilst reflecting the desirable elements of the local vernacular.

6.3 In this context, the development will respect the local character but also move the community towards a more sustainable future, through a significant increase in housing choice. Development will accord with the principles of high quality design and best practice to create a townscape that is varied and sympathetic to its environment. The aim must be to achieve a development with a strong identity and distinct sense of place whilst at the same time integrating with the existing community."

The development would trigger the need for the following contributions to be secured under a Section 106 agreement. The heads of terms are as follows:

1. Preparation and agreement with the local planning authority of an Employment & Training Strategy to link local people with employment, training and contract opportunities arising from the development during its construction phase.
2. Preparation and agreement with the local planning authority of the design, management and maintenance of SUDS, adoption of SUDS and payment of the management/maintenance fees for 13 years from the date on which planning permission is granted.
3. Preparation and agreement with the local planning authority prior to the commencement of development of a Biodiversity Offsetting Scheme to be identified in a Biodiversity Offsetting Report. The applicant would then deliver the agreed Scheme by funding the offsetting measures and their management/maintenance costs for at least 25 years from the date on which planning permission was granted.
4. Preparation and agreement with the local planning authority of a Site Wide Infrastructure Design, Management and Maintenance Strategy for areas of public open space within the site which shall provide for public access to open spaces in perpetuity. Payment of the management/maintenance fees for 13 years from the date on which planning permission was granted.
5. Requirement for details of children's play space to be submitted for approval and implemented. Payment of a commuted sum for future maintenance of the play areas. Payment of a commuted sum for off site provision of any deficiencies in area by type of open space, including allotments, parks and gardens and outdoor sports.
6. Contribution of £6,000 per open market dwelling towards the cost of off-site highway improvement schemes as required by WCC Highways.
7. Contribution of £75 per dwelling towards sustainable welcome packs to promote sustainable living and deliver road safety education.
8. Contribution of £15,000 towards extending the existing 30mph to include the site access or introducing a 40mph buffer zone. These works will

include, design, implementation, consultation, new gateway features, signage and if possible a vehicle activated sign to help enforce the lower limit.

9. Contribution of £784.61 per dwelling to fund improvements to indoor sports halls and swimming pools within Warwick District.
10. Contribution of £56.73 per dwelling to fund improvements to outdoor sports facilities within Warwick District.
11. Provision of 40% affordable housing, to deliver a tenure mix of 50/30/20 social rent/affordable rent/shared ownership. The level of affordable rent should be restricted to the mid-point between social rent and 80% of open market rent.
12. Contribution of £1,678 per dwelling towards the cost of providing a new ward block at Warwick Hospital and providing additional outpatient, diagnostic, treatment and inpatient facilities, including hubs for community health care teams at the Warwick and Leamington hospital sites.
13. Contribution to fund the legal costs of the local planning authority in monitoring the agreement (the lesser of £30,000 or 1% of total of financial contribution).
14. Contributions towards education, public rights of way, libraries and local medical services may also be required. These matters will be advised by WCC and NHS England whose consultation responses are outstanding at the time of writing the report. Such requests will be reported to Planning Committee as late items.

THE SITE AND ITS LOCATION

The application site comprises two arable fields forming a largely rectangular plot bounded by Southam Road to the south with arable land to the north, east and south. The land is currently used as equestrian grazing land and has low field shelters/stables near the northern boundary. The western site boundary adjoins the built up edge of Radford Semele village. The rear gardens of two semi-detached houses in The Greswoldes, and the side garden of Amberwood, a detached bungalow fronting Southam Road, adjoin this western site boundary. On the opposite side of Southam Road near the eastern site boundary lies The Grange, a large detached house. The site is within open countryside and generally flat, with a small drop from south to north. Land to the north drops steeply towards the River Leam. The site is within the wider Plateau Fringe Special Landscape Area. The eastern most part of the site lies close to a gas transmission works outside the site, and a water main crosses mid way through the site.

PLANNING HISTORY

There is no planning history on the site.

RELEVANT POLICIES

- Warwick District Local Plan 2011-2029 Publication Draft - published April 2014
- Warwickshire Landscape Guidelines SPG

- Development Management Policy Guidance: Achieving a Mix of Market Housing on new Development Sites (Agreed by Executive - 19th June 2013)
- Garden Towns, Villages and Suburbs - A prospectus for Warwick District Council (Consultation document - May 2012)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- National Planning Policy Framework
- RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)
- SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
- SC12 - Sustainable Transport Improvements (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- SC14 - Community Facilities (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
- DP15 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Open Space (Supplementary Planning Document - June 2009)
- Vehicle Parking Standards (Supplementary Planning Document)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Affordable Housing (Supplementary Planning Document - January 2008)
- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
- DP5 - Density (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)

SUMMARY OF REPRESENTATIONS

Radford Semele Parish Council: Support for the following reasons:

1. Site No.3 has many points in its favour
2. A new road access to/from Southam Road would provide exclusive access to the site.
3. It is in a part of the village where the road can be modified without impact on traffic in other parts of the village.
4. The impact on neighbouring properties is reduced to a few residents.
5. Access to the village shop, post office and community hall is nearer than from this site than from alternative sites.

6. The retention of trees bordering Southam Road would quickly integrate the site as an established part of the village.
7. Few people would notice the visual impact in this location.
8. The 30mph speed restriction needs to be extended.
9. The roadside footpath to Lewis Road can be easily improved.
10. The land has not been cultivated, nor is it not suitable for cultivation.
11. The site has received a high level of support for its development in the survey of residents' opinions.

Public response: 18 objections received raising the following concerns:

- Harm to visual amenity and character of open countryside
- Quantum of housing is not required, exceeds local needs and is contrary to Policy RAP1
- Visual impact, harm to rural agricultural character and setting of village.
- Harm to highway safety from proposed access on brow of hill and on bend, and increases in traffic.
- Outside the village boundary and cannot integrate with the village
- Noise, air, dust and light pollution, especially during construction. Harm to residential amenity of dwellings adjoining the site arising from overlooking, loss of view and privacy. Increased noise and disturbance to adjoining residents.
- Loss of productive agricultural land. Land suitable for small scale agricultural activity
- Unsustainable layout, remote from village facilities on opposite side of road.
- Increased demand on inadequate local facilities. No space at local school. Existing residents currently have to travel outside the village to access schools, health care and other facilities.
- Not the preferred option for development of the village.
- Increased flood risk to dwellings on lower land to the west.
- Harm to ecology and wildlife. Loss of hedgerows
- Ribbon development
- There has been no meaningful engagement or consultation with residents.
- Future requirement for further housing sites in the village due to low number of dwellings proposed

14 letters of support and comment received raising the following points:

- The site is the preferred option for development by the Parish Council
- In accordance with Draft Local Plan
- The site will impact on the fewest number of properties of all sites being considered in the village
- Vehicle movements associated with this site will not necessarily harm the village as they can directly access the Fosse Way
- Minimal visual impact and intrusion into countryside
- Near to village amenities
- Does not impact on heritage assets
- The site access should be designed to allow further development opposite to the south
- The number of houses proposed is appropriate to the village

- Would not lead to coalescence of the village with Leamington Spa
- Required traffic calming would improve road safety and reduce traffic speeds through the village
- Not high quality agricultural land

Environmental Health: Recommend conditions requiring a noise mitigation scheme to protect residents from traffic noise, a contaminated land investigation and remediation, a Construction Management Plan to include measures to control noise, dust and light emissions, and consideration of WDC Air Quality Planning Policy Guidance to minimise and/or offset emissions from the development.

WCC Highways: No objections subject to conditions requiring visibility splays and a footway connection between the site and the existing footpath on the northern side of the A425 as shown on the proposed drawings. The developer should also be required to enter into a S106 agreement to provide £75 per dwelling for sustainable welcome packs and £15,000 towards extending the existing 30mph zone to include the site access, or introducing a 40mph buffer zone. These works to include design, implementation, consultation, new gateway features, signage and if possible a vehicle activated sign to help enforce the lower limit.

The applicant has adequately demonstrated that the impact on the highway network of the proposed development is acceptable, however, there will be a cumulative impact of the development on the wider highway network when considering the further growth currently being planned for in the District. Therefore, WCC recommend that the development contribute towards strategic transport interventions required to support this planned growth. These measures have been identified by WCC in their Strategic Transport Assessment (a document that provides part of the evidence base of WDC Local Plan process). This contribution should be £6,000 per open market dwelling towards strategic highway infrastructure and measures to improve walking and cycling within the Leamington, Warwick and Whitnash areas.

South Warwickshire NHS Foundation Trust: Object due to the additional burden that the development would place on the existing health care infrastructure which is already at capacity. However, if permission were granted would request a contribution of £1,678 per dwelling (£100,680 based on 60 dwellings) towards the cost of providing acute and community health services in South Warwickshire.

WDC Housing Strategy & Development: 40% of the proposed dwellings would be required to be affordable to meet Policy SC11, or 24 out of 60. The type, tenure and location of the dwellings can be agreed at reserved matters stage, and should take account of the changing demand and the current housing needs survey results. The site should deliver a tenure mix of 50/30/20 social rent/affordable rent/shared ownership. For a requirement of 24 units it would be acceptable for the units to be grouped together provided that as a whole they are integrated into the rest of the site. Units should meet the standards set out in the SPD and will be allocated through the Homechoice scheme.

Natural England: Refer to standing advice on protected species. Potential for biodiversity offsetting should be explored.

WCC Archaeology: Requested a geo-physical survey be carried out prior to determination. Comments on this will be reported directly to Planning Committee.

WCC Ecology: The site comprises two semi-improved grassland fields, hedgerows and trees, tall ruderal, bare and recolonizing ground, scrub and one building and hard standing. The site as surveyed in January 2014, outside the optimal period for botanical surveys, thus there could be plant species not identified during this survey. Proposals to retain existing hedgerows and trees, and create wild flower grassland and incorporate bat and bird boxes are welcomed.

Recommend conditions requiring a Construction and Environmental Management Plan (CEMP) to include protective measures to avoid harm during construction, a Landscape and Ecological Management Plan to include details of habitat creation, new planting and maintenance, a tree protection scheme, a badger survey and a detailed lighting scheme. A Biodiversity Impact Assessment calculation has been carried out and it is considered there will still be a biodiversity loss on site, therefore the applicant should be required to enter into a S106 agreement to secure a habitat enhancement scheme elsewhere to compensate for the resulting loss.

Warwickshire Fire Service: No objection subject to a scheme for fire hydrants and water supplies.

Warwickshire Police: No objection subject to recommendations for reducing crime being incorporated into a detailed scheme.

Severn Trent Water: No objection subject to a condition requiring foul and surface water drainage details.

National Grid: Nearby apparatus may be affected by the works so the application has been referred for further assessment. It is requested that no further action is taken until a response is provided, which should be within 28 days (by 30 May 2014).

Environment Agency: No objection.

Green Space Team: Even though the planning application states that it meets the open space requirements as set out in the Open Space SPD, and it appears from masterplan that the overall quantity provision has been achieved, the total area open space measurement being proposed, or a breakdown of area measurements by type, should be provided. If there are any deficiencies in area by type then an offsite contribution should be sought, and this has been acknowledged in the application. The Parish Council should be approached on any current deficiencies of green space in that area that are owned and managed by themselves, and also to see if they have any development plans to improve

them. In addition an offsite contribution could address any quality deficiencies for Newbold Comyn which is within 500m of the proposed site. A play area has been included and should be designed as per the 'Design for Play' Guidance. In addition to transferring the open space to WDC or a management company, another option to transfer the open space to the local Parish Council who should be approached.

Tree Preservation Officer: No objection subject to further detailed tree protection measures.

Health and Community Protection: No comments available at time of writing report. Comments will be reported directly to Planning Committee.

NHS Property Services: No comments available at time of writing report. Comments will be reported directly to Planning Committee.

ASSESSMENT

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

- the principle of development;
- traffic impact / highway safety;
- landscape impact;
- provision of public open space;
- ecological impact;
- heritage impact;
- the impact on the living conditions of nearby dwellings;
- air quality;
- drainage and flood risk;
- the impact on local services; and
- loss of agricultural land.

The principle of development

Five year housing supply

The site is within open countryside adjoining the edge of the village, where the relevant Local Plan Policy in relation to residential development is RAP1 - 'Directing New Housing'. The proposals would be contrary to Policy RAP1. However, the National Planning Policy Framework (NPPF) 2012 states (para. 49) that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites against their housing requirement. Whilst the Council can demonstrate a five year supply against the requirements of the revoked Regional Spatial Strategy 2008, these requirements do not reflect the most up-to-date evidence in terms of objectively assessed housing need. In terms of the most recent evidence of housing need, the Council cannot demonstrate a five year supply.

The latest Five Year Housing Land Assessment (July 2013) indicates that the housing land supply is 2.8 years. The five year requirement (2013-2018) is 4,550 dwellings with 2,575 already provided, leaving 1,975 to be provided. Between April 2013 and December 2013 a total of 1,252 dwellings received permission along with 92 office to residential conversions. Not all of these permissions will be built out in 5 years, particularly those on large sites, so this still leaves a shortfall in relation to the housing requirement but the position is slightly improved from 2.8 years.

Accordingly Policy RAP1 is clearly out of date and in these circumstances the NPPF requires applications to be considered in the context of the presumption in favour of sustainable development. That means granting planning permission unless either:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or
- specific policies in the NPPF indicate development should be restricted.

The scheme will contribute towards helping the Council meet its five year requirement and granting outline permission for this site would increase the supply of land for housing. This carries significant weight in the assessment of this application. While the Council has no control over whether a site will be delivered, it is nevertheless reasonable to assume that a site with planning permission would be deliverable with a realistic prospect that development on this site would be achievable within a five year period.

Current policy position

The current Local Plan covered the period 1996-2011 and therefore makes no provision for future housing needs. This forms the Development Plan, which decisions should be made in accordance with, unless material considerations indicate otherwise. The NPPF is a material consideration, as are other policies under preparation such as the Draft Local Plan.

Radford Semele was allocated to be a Category 1 village in the Local Plan Preferred Options report in 2012 which meant it was identified to receive 100 dwellings. The application site was discounted as the preferred option for the village in the Revised Development Strategy (RDS) that was consulted upon between June and July 2013. However, following this consultation, and further highway and landscape assessment work, the site is now the remaining sole preferred option for the village and is included as such within the Draft Local Plan published in April 2014, which is currently under consultation. Very little weight is attached to the RDS as this has now been superseded by the Draft Local Plan. Some weight is also attached to the Draft Local Plan due to its early stage in the planning process. However, this does represent the Council's current preference for development based on the most up to date evidence base.

The Joint Strategic Housing Market Assessment (2013) established the Objectively Assessed Housing Need in the Housing Market Area which includes Warwick District. The need for Warwick District is for 12,860 homes or 720 homes per annum between 2011 and 2013. The interim level of growth previously adopted was 12,300, based on previous available evidence including the 2012 Strategic Housing Market Assessment (SHMA). However, the Inspector considering Coventry's Core Strategy requested that Coventry City Council withdraw their Core Strategy in order to work with other councils in the sub-region in preparing a joint SHMA.

The Draft Local Plan contains justification for the development of the application site and land within/adjoining other Growth Villages, as it will not be possible to provide land for the new homes between 2011 and 2029 within the existing urban area, so it will be necessary to allocate new development on green field and Green Belt sites. In comparison with other possible green field sites considered as part of the preferred options for growth in Radford Semele, this area has significant advantages including the fact that the landowners are willing, the landscape impact can be mitigated, there would be no harm to heritage assets, suitable access can be achieved, that the location at the edge of the existing village is sustainable, and that the land is not Green Belt.

Prematurity

The scale of the development does not raise issues of prematurity in relation to the progress of the publication of the Draft Local Plan, due to its size. The development of the application site would not prevent any other development sites identified in the Draft Local Plan from coming forward and it is not dependant on, nor incompatible with, any other development sites which have been or are being considered. On this basis the development of the application site would not prejudice the outcomes of the preparation of the Local Plan and it could not therefore be demonstrated that permission should be refused on the grounds of prematurity.

Assessment of the proposed housing provision

In terms of the type of housing being provided, 40% would be affordable and the affordable mix would be required to accord with the affordable housing needs of the District in accordance with the current SHMA (50% social rented; 30% affordable rented; 20% intermediate tenure/shared ownership). The size and type of the affordable dwellings would be subject to further consideration under a reserved matters application, which would have to meet current requirements at such time.

In terms of the market housing being provided, this would also be subject to consideration under a reserved matters application, and would be required to accord with the Development Management Guidance on Achieving a Mix of Market Housing by condition.

Complying with these requirements in terms of the affordable and market housing mix, sizes and house types, would comply with Policy SC1 which

requires a range of sizes and types of dwelling and SC11 which requires 40% affordable housing and provision in accordance with local needs. The NPPF (para.50) sets out the need to "plan for a mix of housing based on current and demographic trends, market trends and the needs of different groups in the community". The granting of outline consent would significantly increase the supply of land for meeting the unmet market and affordable housing needs of the District and would therefore represent a key benefit of the scheme.

Traffic impact / highway safety

The Transport Assessment submitted with the application has assessed the transport implications arising from the proposed development, and the Highway Authority are content that the impact on the highway network would be acceptable.

The proposed access would be gained via a widened priority junction from Southam Road, mid-way along the site frontage, which can achieve the visibility splays required by the Highway Authority. This is on the basis that either, the 30mph speed limit in the village is extended to the site access, or traffic calming measures are introduced, the costs of which the developer would be required to provide

The development would contribute towards a cumulative increase in activity on the wider highway network, along with the further growth currently planned for in the District. Therefore, it is considered necessary for the development to contribute towards strategic transport interventions required to support this planned growth, which equates to £6,000 per open market dwelling. These measures have been identified by the Highway Authority in their Strategic Transport Assessment (a document that provides part of the evidence base for the new Local Plan). A suitably worded S106 agreement would secure the contribution of £6,000 per open market dwelling towards strategic highway infrastructure, £15,000 towards speed reduction measures, and £75 per dwelling for occupants of the dwellings to be provided with sustainable welcome packs.

Landscape impact

The Landscape and Visual Appraisal (LVA) submitted with the application demonstrates that the site has a relatively small visual envelope, and that there are only limited long distance views of the site from its surroundings, as it is contained by existing vegetation, the edge of the village and prevailing land levels.

The further work carried out by WCC Landscape Architects into Landscape Sensitivity as part of the evidence base for the Draft Local Plan designates the western part of the site (and land to the north) as having High/Medium sensitivity to housing development, whilst the land to the east and south is designated as High sensitivity. This evidence informed the decision to include the site as the preferred site allocation for the village.

The site is not widely visible at long distance aside from the north-east, as the tree line along the road frontage and drop in levels to the south limits views from this direction, whilst views from the east are against the backdrop of the existing village. Views from the north are also limited by the steeply rising land from this direction to the site. Views of the site from the Southam Road are also limited as the site is near a bend in the road, and behind roadside hedges and trees, whilst the field boundary along the eastern side of the site can be supplemented to minimise visual intrusion into the wider landscape as part of a landscaping scheme. The indicative site layout shows a large part of the site at the eastern end being left free of built development and used as open space. This would ensure that the impact of new buildings on the rural area is minimised as far as possible, as the area of open space within the site would act as a visual buffer to the open countryside beyond.

The quantum of dwellings proposed would achieve an average density of 30 dwellings per hectare, allowing for denser development closer to the village and more dispersed on the outer edge, which would accord with the Garden Suburbs design advice. Although the plans that have been submitted are indicative only, the Design and Access Statement provides detailed design objectives and a concept to accord with garden suburb principles. Dwellings are proposed to be a maximum of two storeys which is appropriate, and this would be secured by condition.

In summary, the development would have a negative impact on the character of the rural landscape and on openness.

Provision of public open space

The development provides an area of planned public open space at the eastern side of the plot, and potential space for a play area The space would provide an open area linking the existing public footpath on the opposite side of Southam Road which extends across fields to the south, with a new footpath running inside the site frontage to join the path on the northern side of Southam Road, which currently terminates at the edge of the village. The Open Space SPD would require 1.05ha. of open space which is broken down into types. The proposal intends to provide 0.55ha. on the site which would include amenity green space, natural areas and children's/youth areas, with the balance for parks and gardens, outdoor sports and allotments to be provided off site via a commuted sum. This would be in accordance with the SPD and Policy SC13.

Heritage impacts

With regard to archaeological impact, a geophysical survey was undertaken across the site following submission. The results of this fieldwork and further conditions required will be provided by WCC Archaeology to Planning Committee as a late item.

Ecological impact

The development will result in the loss of existing wildlife habitats, however it is possible to compensate for this loss on site by way of Biodiversity Offsetting, which would accord with the NPPF where it requires all developments to result in a net biodiversity gain. The developer will be required to enter into a suitably worded S106 Agreement to secure appropriate habitat creation and management proposals in the District, and WCC Ecology have accepted this approach.

WCC Ecology have advised that the development would be acceptable in other respects, subject to various conditions, including a requirement for a Construction and Environmental Management Plan to be produced. This would include measures for the protection of all notable and protected species that have been identified on site.

Impact on the living conditions of nearby dwellings

The plans are indicative only, however, it is considered that the proposed site can accommodate 60 houses while meeting necessary separation distances within the site and to surrounding properties. The residential use will be compatible with the adjoining residential uses, and associated noise and comings and goings are unlikely to be so significant as to warrant refusal of the application. The concerns raised by dwellings directly adjoining the site to the west are noted, however, loss of view is not a planning matter that is relevant to the determination of the application. A reserved matters application would provide details of the final layout of proposed dwellings, under which it would be possible to ensure an appropriate level of privacy, light and outlook is maintained to these neighbouring properties. A condition is recommended to require the submission of a Construction Management Plan, to protect the amenities of residents during construction.

With regard to traffic noise affecting residents of the proposed dwellings, Environmental Health have recommended a condition to require details of a scheme to protect residents of the development from excessive noise to be submitted for approval.

Air quality

Environmental Health consider that the attraction of additional vehicles to the application site will inevitably lead to an increase in vehicle emissions in the area. Environmental Health have recently published the WDC Air Quality Planning Policy Guidance which recognises the impact of road transport emissions creep due to the aggregated impact of development schemes. The policy requires developers to use 'reasonable endeavours to minimise emissions and, where necessary, offset the impact of development on the environment. Environmental Health have advised that the developer should be invited to consider producing a low emission strategy for the development. A condition has been recommended accordingly.

Drainage and flood risk

The site is situated within Flood Zone 1. The supporting Flood Risk Assessment considers that the site is not at risk from flooding and proposes two options for drainage of surface water. The first is for attenuated storage with an outfall to the existing watercourse to the north of the site, as per the drainage of the existing site, or if option one is unviable, discharge to the main sewer on Southam Road. Foul sewerage will be passed to Severn Trent Water for connection to the existing adopted network.

The Environment Agency and Severn Trent Water have raised no objection to the proposed scheme, subject to conditions to agree detailed plans. Therefore the proposals are considered to be acceptable in terms of flood risk and drainage.

Impact on local services

There is significant concern from local residents with regard to the scheme resulting in further pressure on public services, and in particular schools, doctors and hospitals.

In terms of hospitals, South Warwickshire NHS Trust have requested a contribution of £1,678 per dwelling towards the cost of providing a new ward block at Warwick Hospital and providing additional outpatient, diagnostic, treatment and inpatient facilities, including hubs for community health care teams at the Warwick and Leamington hospital sites.

WDC Housing Strategy supports the proposed 40% affordable housing provision and expects the site to deliver a tenure mix of 50% social rented, 30% affordable rented and 20% shared ownership, with the level of affordable rent to be restricted to the mid-point between social rent and 80% of open market rent. The size and types of property have been suggested, however Housing Strategy acknowledged that these may need to be revisited and adjusted as the scheme progresses to take account of changing demand.

There are also requirements for contributions of £784.61 per dwelling towards indoor sports facilities and £56.73 per dwelling towards outdoor sports facilities.

WCC Highways require a contribution of £15,000 to be used to reduce the speed limit to 30mph or introduce a 40mph buffer zone, and £75 per dwelling for sustainable welcome packs. £6,000 per dwelling is required towards strategic highway improvements on the wider network and for walking and cycling measures, due to the cumulative impact of the development.

The Green Space Manager has advised that, if open space land is to be transferred, then a commuted sum for maintenance of this and drainage systems would be required. A contribution for allotments would be secured under the S106 since the site is below the 100 dwelling threshold for requiring such provision on site.

At the time of writing the report responses are outstanding from the County Council in relation to education and rights of way, and from NHS England.

Responses on these matters will be reported directly to Planning Committee and may be added to the list of S106 requirements.

Loss of agricultural land

An Agricultural Land Statement submitted with the application states that the site is poor quality and unproductive, and its size is unviable as an agricultural unit, therefore, there would be a negligible impact on the agricultural land bank. It is also pointed out that much land in the District is high quality so it is inevitable that some will be lost to housing, therefore the development of poorer quality sites should be prioritised above lesser quality sites such as this.

However, the land is currently in agricultural use and classified as Grade 3 which is the best and most versatile agricultural land as set out in the NPPF. The proposals would therefore result in the permanent loss of 3.4 hectares of the best and most versatile agricultural land.

Paragraph 112 of the NPPF states that local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Paragraph 112 goes on to state that, where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

Looking first at whether development of agricultural land is necessary, this is demonstrated by the pressing need for housing in the District and the lack of a 5 year supply of housing land. The housing needs of the District will not be met without developing significant areas of agricultural land.

Turning to the requirement for local planning authorities to seek to use areas of poorer quality land in preference to that of a higher quality, it must first be acknowledged that much of the agricultural land adjoining the urban area of Warwick and Leamington is classified as the best and most versatile agricultural and / or is situated within the Green Belt. Meeting the housing needs of the District and complying with Green Belt restrictions will inevitably require development on areas of the best and most versatile agricultural land.

Therefore, in conclusion on this issue, it is considered that the need to provide new homes in a sustainable location overrides any concerns about the loss of productive agricultural land.

Other Matters

A condition is required to ensure reserved matters applications accord with current Local Plan Policies DP12 and DP13 in respect of generating 10% of the energy needs of the proposed development from renewable sources.

<u>SUMMARY/CONCLUSION</u>

Due to the Council's lack of a five year supply of housing land, Local Plan Policy RAP1 is out of date. Therefore the NPPF requires applications to be considered in the context of the presumption in favour of sustainable development. This states, at paragraph 14, that where the development plan policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF.

There are three dimensions to sustainable development: economic, social and environmental. The development would deliver economic benefits through the generation of employment during the construction phase, and from the increased population which would contribute towards increased expenditure in the local area and dependence on local facilities. Social benefits would include the provision of a mix of types and sizes of market and affordable housing to meet identified local needs, the provision of open space and footpaths, and improvements to shared infrastructure. Environmental benefits would arise from measures to increase biodiversity, sustainable transport improvements, more efficient use of land, provision of open spaces, and improved footpath links. The site is in a sustainable location adjacent to the village where residents can access a range of services. It is therefore concluded that the development represents sustainable development by satisfying the three dimensions identified in the NPPF.

It has been concluded that any issues of concern that have been raised can be satisfactorily addressed through the assessment of reserved matters applications, the provision of new facilities, and the provision of new infrastructure by way of financial contributions. The development would have an adverse impact on the surrounding landscape in terms of the loss of openness and rural character, however, these impacts need to be balanced against the wider benefits of the development listed above.

In the particular circumstances of this application, it is not considered that the adverse impacts on the landscape and rural area significantly and demonstrably outweigh the benefits of the development. The development is considered to comply with all current Local Plan policies aside from RAP1, which the NPPF advises cannot carry any weight. Furthermore the development is considered to comply with the policies of the NPPF, taken as a whole. The presumption in favour of sustainable development carries substantial weight, as does the contribution the development would make to the provision of housing to meet the needs of the District. The fact that the site is identified as a housing allocation in the Draft Local Plan needs to be given serious consideration, due to its stage in the plan process, but the evidence base supporting the inclusion of the site in the Draft Local Plan carries some weight. It is therefore concluded that planning permission should be granted.

CONDITIONS

1 This permission is granted under the provisions of Article 4(1) of the

Town and Country Planning (Development Management Procedure) (England) Order 2010 as amended, on an outline application and the further approval of the District Planning Authority shall be required to the undermentioned matters hereby reserved before any development is commenced:-

(a) layout
(b) scale
(c) appearance
(d) landscaping

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

2 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 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 The access hereby permitted shall be constructed in strict accordance with the details shown on approved access drawing(s) JPH/131105/Figure 1 submitted on 6 March 2014 and with the radii increased to 8 metres. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1, DP2 and DP6 of the Warwick District Local Plan 1996-2011.

5 Any dwellings, garages or other buildings hereby permitted shall be sited only within the "Development Area" shaded beige and referred to on drawing "Figure 6 Landscape Strategy Bir.4346_02". **REASON** : For the avoidance of doubt and to ensure built development is contained within the least visually sensitive part of the site in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.

6 No development shall take place under any relevant phase of development until a detailed lighting scheme for that phase has been submitted to and agreed in writing by the local planning authority. In discharging this condition the local planning authority expects lighting to be restricted around the boundary edges, particularly along hedgerows, where protected species are likely to be found, and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife. This could be achieved in the following ways:

(a) low pressure sodium lamps should be used in preference to high pressure sodium or mercury lamps;
(b) the brightness of lights should be as low as legally possible;
(c) lighting should be timed to provide some dark periods; and
(d) connections to areas important for foraging should contain unlit stretches.

Such works, and use of that lighting and/or illumination, shall be carried out and operated only in full 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 and to ensure that appropriate measures are taken in relation to protected species in accordance with Policies DP2, DP3, DP9 and DAP3 of the Warwick District Local Plan 1996-2011.

7 No phase of the development shall take place under any reserved matters consent until a scheme for that reserved matters consent and phase of development showing how 10% of the predicted energy requirement of this development will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in writing by the local planning authority. That phase of development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable.
REASON : To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

8 No development shall take place under any reserved matters consent until a scheme for that reserved matters consent has been submitted to and approved in writing by the local planning authority indicating how and when the 'Secured by Design' standards will be incorporated into the development. The scheme shall be implemented in accordance with the approved details and shall be retained at all times thereafter.
REASON: To ensure Secured by Design standards are met, in accordance with Policy DP14 of the Warwick District Local Plan.

9 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 local 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, a Guide for Trees in relation to 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 local planning authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **REASON:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.

10 The development hereby permitted (including demolition) 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 and notable species with subsequent mitigation as deemed appropriate. In addition appropriate working practices and safeguards for other wildlife dependent of further survey work, that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full. **REASON**: To ensure that protected species are not harmed by the development in accordance with National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Saved Policy DAP 3 of the Warwick District Local Plan.

11 The development hereby permitted shall not 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 pond, wildflower grasslands, provision of habitat for protected species. Such approved measures shall thereafter be implemented in full. **REASON**: To ensure a net bio-diversity gain in accordance with the National Planning Policy Framework (NPPF).

12 The development hereby permitted shall not commence until: -

(1) (a) 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:

- a risk assessment to be undertaken relating to human health;
- a risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected;
- an appropriate gas risk assessment to be undertaken;
- refinement of the conceptual model; and

- the development of a method statement detailing the remediation requirements.

(b) The site investigation has been undertaken in accordance with details approved by the local planning authority and a risk assessment has been undertaken.
(c) A method statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters using the information obtained from the site investigation, has been submitted to the local planning authority. The method statement shall include details of how the remediation works will be validated upon completion and shall 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 deal with.

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

REASON: To safeguard health, safety and the environment in accordance with Policies DP2, DP3 & DP9 of the Warwick District Local Plan 1996-2011.

13 The development hereby permitted shall not commence until a scheme detailing arrangements to protect residents of the development from excessive traffic noise entering habitable rooms and the provision of quiet garden areas shielded from road noise shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details and shall be retained thereafter. **REASON:** To protect residents of the development from the adverse effects of traffic noise from outside the development in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

14 The development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority. **REASON:** In the interests of fire safety.

15 The development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which has been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and 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, unless otherwise agreed in writing by the local planning authority. **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 DP2, DP6, DP8 & DP9 of the Warwick District Local Plan 1996-2011.

16 No development shall take place unless and until a Low Emission Strategy 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 Policy DP9 of the Warwick District Local Plan and the aims and objectives of national guidance within the NPPF 2012.

17 The development hereby permitted shall be carried out in strict accordance with the details of surface and foul water drainage works that shall have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011.

18 No part of the development hereby permitted shall be commenced until a detailed badger survey, including timetabled mitigation measures where appropriate, has been carried out by a suitably qualified badger consultant and has been submitted to and approved in writing to the

local planning authority. Any approved mitigation measures shall be implemented in accordance with the approved timetable. **REASON:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-2011.

19 No development shall take place under any reserved matters consent until a scheme for that reserved matters consent has been submitted to and approved in writing by the local planning authority demonstrating that surface water runoff does not exceed runoff from the undeveloped site and does not increase the risk of flooding off-site. Post development runoff volumes and peak flow rates will be limited to the Greenfield discharge rate for all rainfall return periods up to and including the 100 year plus 30% (for climate change) as outlined within the Flood Risk Assessment. On-Site surface water attenuation will be provided to the 1:100 Climate change (30%) standard using Sustainable Urban Drainage Systems. The site drainage strategy will demonstrate the appropriate assessment and adoption of SUDS techniques. The approved systems shall thereafter be retained and shall be managed and maintained in strict accordance with the approved details. **REASON:** To ensure that a satisfactory means of drainage is provided such as to minimise flooding, which promotes and maintains the good stewardship of the natural and built environment in accordance with Policies DP11 & DP3 of the Warwick District Local Plan 1996-2011.

20 Any landscaping (other than the planting of trees and shrubs) approved under condition 1, including boundary treatment, paving and footpaths, shall be completed in all respects for that phase of development, with the exception of tree(s) and shrub(s) planting, within the first planting season following the first use of the dwellings within that phase and the tree(s) and shrub(s) shall be planted within six months of 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 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 DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.

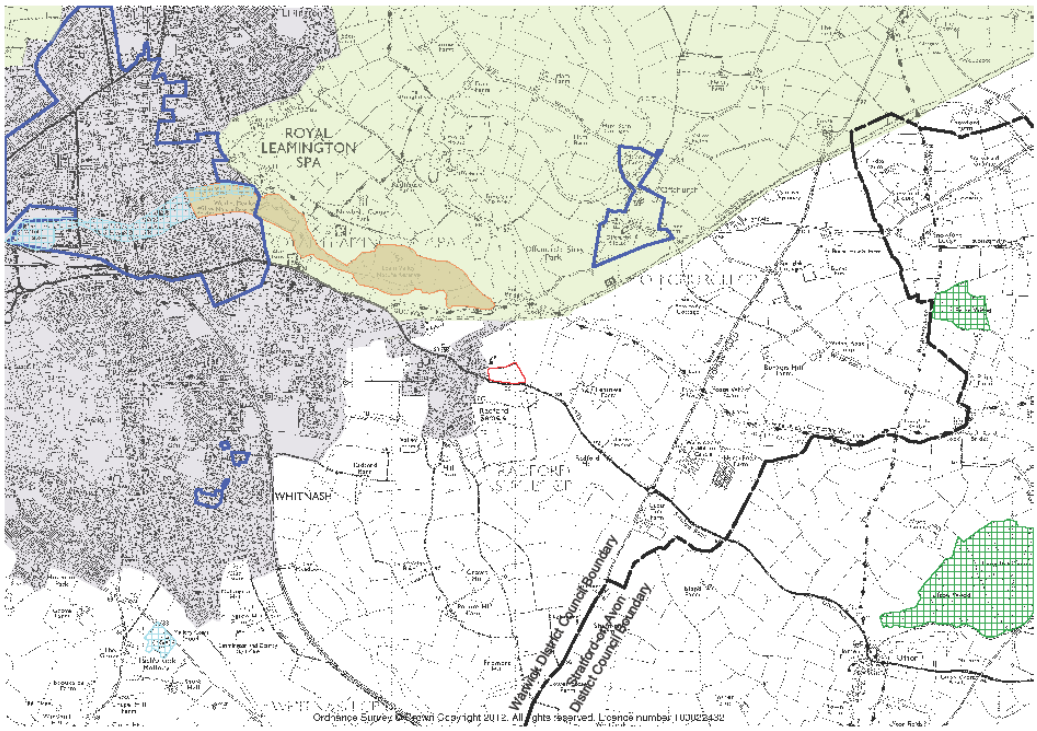
21 The existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any tree(s) or shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced,

as soon as practicable with tree(s) and shrub(s) of such size and species details of which must be submitted to and approved by the local planning authority. All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces). **REASON:** To protect those 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 DP1 and DP3 of the Warwick District Local Plan 1996-2011.

22 The mix of type and size of market dwellings submitted as part of any reserved matters application must accord with the recommendations contained within the most up to date version of the "Development Management Policy Guidance : Achieving Mix of Market Housing on new Development Sites". **REASON**: To ensure that the housing meets the needs of the District as required by Local Plan Policy SC1 and the NPPF.

23 Visibility splays to be provided at the vehicular accesses to the site shall have 'x' distances of 2.4 metres and 'y' distances of 90 metres to the west and 160m to the east measured to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway. **REASON:** In the interests of highway safety and the free flow of traffic in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.

24 No dwelling shall be occupied until a footway connection has been made between the site and the existing footway on the northern side of a A425, as indicatively shown on plan JPH/131105/Figure 1. **REASON:** In the interests of highway safety and the free flow of traffic in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.



KEY

- Site Boundary
- LPA Boundary
- Ancient Woodland (Green Infrastructure Study: Assets, 2010)

Warwick District Local Plan 2006-2011 (2010)

- Local Nature Reserves (DAP3)
- Historic Parks & Gardens (DAP11)
- Conservation Areas (DAP6, 8 - 10)
- Green Belt (DAP1 & RAP1-RAP16)

Land East of Radford Semele
Figure 1
Site Location and Planning Designations

Client Name
Sharba Homes

www.pegasuspg.co.uk
Team JAUC
10th February 2014
Scale @A3 1:25000
Blr_4346_01-1

Pegasus Landscape Design

| T 0121 308 9570 | F 0121 323 2215 | www.pegasuspg.co.uk |

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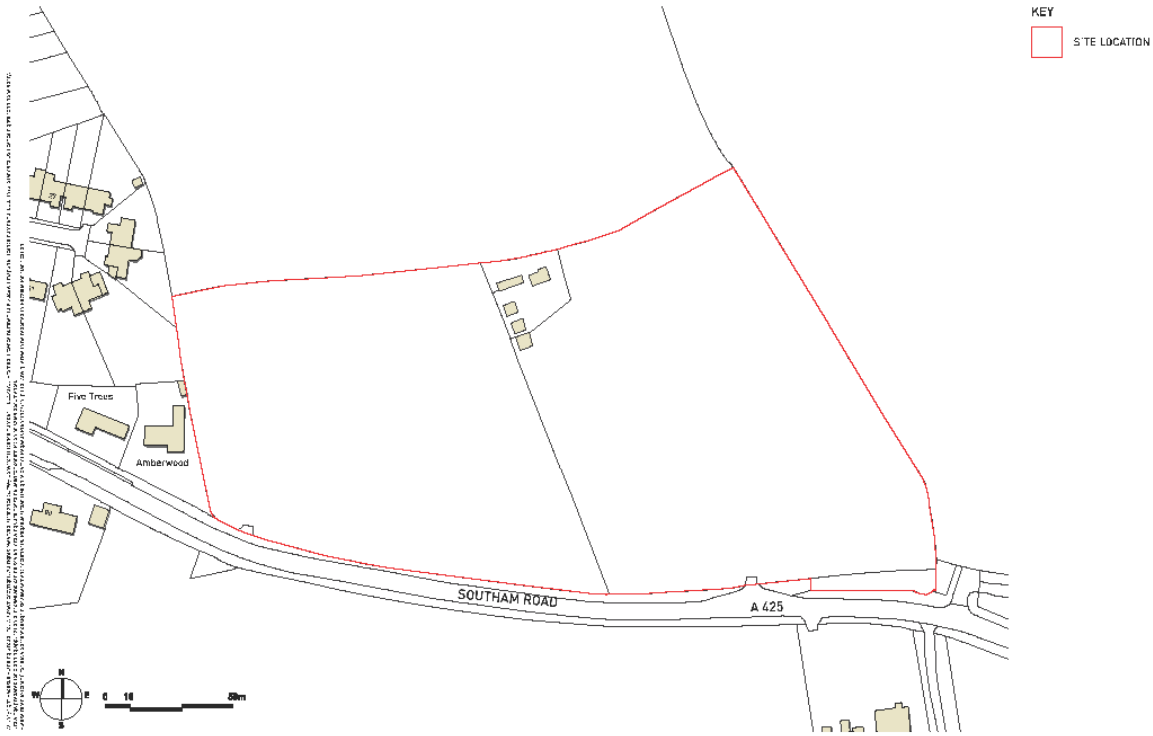


LAND EAST OF RADFORD SEMELE, WARWICKSHIRE - **SITE LOCATION PLAN**

Pegasus Urban Design

LAND EAST OF RADFORD SEMELE, WARWICKSHIRE - **INDICATIVE MASTERPLAN**

Pegasus Urban Design

Planning Committee: 27 May 2014 **Item Number:** 10

Application No: W 14 / 0237

Registration Date: 08/04/14
Town/Parish Council: Kenilworth **Expiry Date:** 03/06/14
Case Officer: Penny Butler
01926 456544 penny.butler@warwickdc.gov.uk

57 Roseland Road, Kenilworth, CV8 1GA
Proposed amendments to approved extensions: Relocation of front door and front glazing, removal of step to party wall, extension to rear lower ground floor extension and extension to height of rear lower ground floor extension. FOR Mr Sidhu

---

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

This is a further revised application following the most recent refusal of permission for revisions to an approved scheme originally granted in 2009, which was renewed in 2013. The revisions are as built, as the construction is nearing completion. The changes are:

- Insertion of door on front elevation adjacent to neighbour, serving upper floor flats, which permits removal of external fire escape at rear
- Removal of inset in side wall to single storey rear extension, to run along boundary
- Position of roof lights and windows on side elevation altered
- Addition of section of pitched roof to lower single storey rear extension
- Increase in length of lower single storey rear extension by 2.5m

On the upper floors there would be one 1 bedroomed flat, one 2 bedroomed flat, and in the roof space there would be a further studio flat, whereas two 1 bedroomed and one 2 bedroomed flats were originally approved.

The applicant has provided a copy of comments from Councillor Richard Davies stating he is satisfied this is a reasonable development and will not detract from the street scene or amenity.

THE SITE AND ITS LOCATION

The application site is located at the junction of Roseland Road and Mortimer Road, on a corner plot at the end of a row of terraced dwellings fronting Roseland Road. This property is a larger version of the other houses in the terrace, as it is about half a storey higher. The building has been extended by a single storey side and rear extension with a flat roof, and an infill extension between this wing and the side boundary with a low lean to roof. The ground floor retail unit has a shop frontage at the side and rear.

On the opposite side of Mortimer Road is St Johns Middle School, with its sole vehicular access opposite the vehicular access into the rear garden of the application site. The applicants rear vehicular access is currently gated and located behind the end of the long rear wing. To the rear of the site is a shared private vehicular access to dwellings on Roseland Road and Council garage blocks, whilst the residential property on the other side of this access has a side gable facing the site and a tall conifer hedge along their side boundary. The adjoining neighbour (no.55) has an existing rear conservatory close to the side boundary with a pergola behind this.

The permission granted in 2013 is nearly complete, including the changes now being applied for. If this application is not granted then enforcement action would have to be considered to return the building to the approved scheme.

PLANNING HISTORY

In 1973 a single storey flat roofed rear extension was added forming a long rear wing adjacent to the public footway, and at this time a single storey very low mono pitch roofed rear extension already existed. Planning permission was granted in 2009 (W/09/1502) for one and two storey extensions to increase the floor area of the shop to 180 sq.m and to create three flats (two 1 bedroom and one 2 bedroom), along with the provision of six parking spaces. This permission was renewed in May 2013 by Planning Committee (W/13/0314). Application W/13/1165 was refused by Planning Committee in October 2013 for further extensions, due to an adverse impact on neighbouring amenity.

In 2013 application W/13/1593 proposed to increase the ridge height of the rear two storey wing to match the main roof, and to increase the height of the rear single storey wing by adding a dual pitched roof. A small area of new roof was also proposed on the lower flat roofed extension at the rear, along with fenestration alterations consisting of the insertion of a entrance to the upper floor flats on the front elevation adjacent to the boundary with no.55, removal of an approved raised fire escape, changes to roof light positions and window positions on the side elevation. This application was refused by Planning Committee in December 2013 by reason of its scale and massing comprising a visually overbearing feature which unacceptably impacts upon the residential amenities of the occupants of adjoining properties by means of loss of light and visual intrusion.

RELEVANT POLICIES

- National Planning Policy Framework

- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- Open Space (Supplementary Planning Document - June 2009)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Vehicle Parking Standards (Supplementary Planning Document)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- The emerging Warwick District Local Plan 2011 – 2029.

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: Members COMMENTED that the plans did not appear to show the full details of the changes and being 'as built' were suspected as being de facto retrospective. Given the history of the site and lack of full details, Members felt that if the matter was previously decided by the District Planning Committee then any confirmation of changes should also fall within their remit.

Public response: No. 55 has withdrawn their objection following a correction to the proposed plans so they now show only what has been built.

ASSESSMENT

Visual impact and design

The proposed changes to the external appearance of the building are minor and do not have a significant impact on the overall appearance or character of the property, or its surroundings. The door on the front, roof lights and windows are all in keeping with the style of the building and nearby properties. The increased length of the rear wing, which is at lower level, does not impact significantly on its surroundings, since it is mainly screened from view by the wall surrounding the rear yard. The additional small piece of sloping roof is tucked around the corner of the wing closer to the road, and is therefore also not generally visible in the street scene. The removal of the external staircase at the rear is welcomed as a significant improvement to the approved scheme. In summary therefore, the changes now being sought approval have no adverse impact on the character or appearance of the building, or its surroundings, and constitute good design in accordance with Policy DP1 and the NPPF.

Impact on neighbouring amenity

In terms of neighbour impact, this focuses upon the adjoining dwelling (no.55) who has an existing rear conservatory adjoining the boundary, and a front entrance door adjacent to the shared boundary. The proposed front entrance door serves the upper floor flats, not the shop, therefore the comings and goings associated with this residential use will not have an inappropriate impact on the amenity of this neighbour. The proposed sloping roof at the rear is not immediately adjacent to their boundary, and does not extend higher than the wing adjacent against which it is viewed, so it causes no loss of light or outlook. The extension to the length of the lower rear wing is considered acceptable since this no higher than 2 metres on the boundary, the height of a permitted wall or fence under permitted development rights.

Impact on highway safety and car parking

There have been no changes made to the access and parking arrangements proposed under the previous application, which were accepted by the Highway Authority and Members, and it is considered that the proposals will not conflict with Policies DP6 or DP8.

Other matters

An air source heat pump would generate the required renewable energy for the proposals, and would be sited in the bin store, separated from the neighbouring property by the rear office extension. A contribution towards improvements to public open space can be required by condition.

SUMMARY/CONCLUSION

In the opinion of the Local Planning Authority, the development achieves acceptable standards of layout and design and does not give rise to any harmful effects in terms of parking or amenity which would justify a refusal of permission. The proposal is therefore considered to comply with the policies listed.

CONDITIONS

1 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) (1550-07H submited on 8 May 2014. 1550-07D submitted on 8 May 2014), and specification contained therein. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

2 The development hereby permitted shall not be first occupied unless and until the renewable energy scheme submitted as part of the

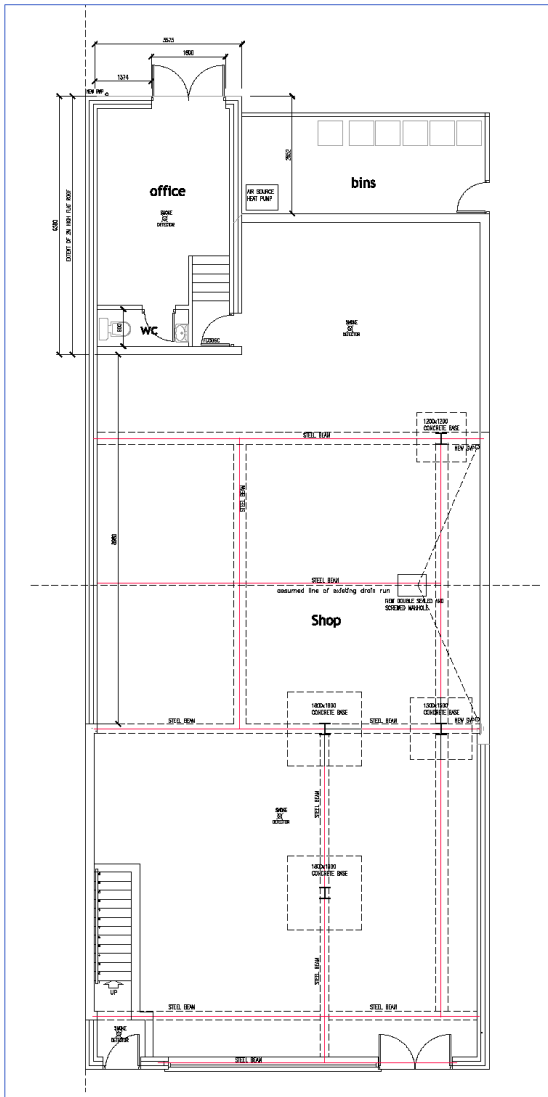
application has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturers specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. **REASON** : To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

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

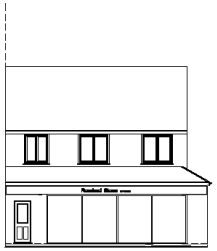
(i) no development shall commence unless or until a scheme for such provision or improvement (identifying the size/extent, location and specification of the space and works) has been submitted to and approved in writing by the Local Planning Authority; and

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

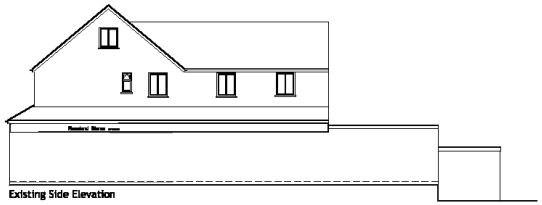
REASON: To ensure the necessary infrastructure and facilities are provided in accordance with Policy SC13 of the Warwick District Plan 1996 – 2011.



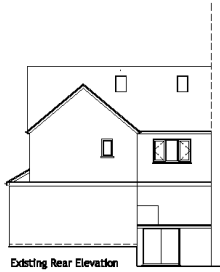
Existing Ground Floor Plan



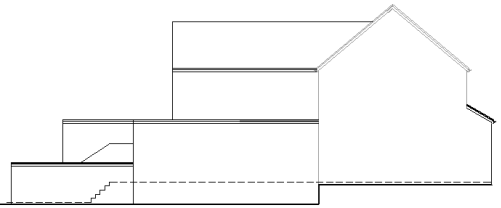
Existing Front Elevation



Existing Side Elevation



Existing Rear Elevation



Existing Side Elevation

Approved Drawings

These drawings have been prepared solely for Planning and Building Regulation Applications only. Any amendments by the contractor to the approved design must be agreed on site with the Local Building Inspector before work are undertaken.

Before works begin

Contractors must verify all dimensions on site before commencing work or also. Any discrepancies must be reported to Designer before works are undertaken or materials are ordered.

EasyPlan
Warwick Corner
42 Warwick Road
Kenilworth, CV8 1HE
Telephone 01926 866606

project.

Proposed Extension
57 Roseland Road
Kenilworth
CV8 1GA

drawing

Existing Floor Plans & Elevations (as built)

scale 1:50/1:100 **date** April 2014 **drawn** ajm

Job no 1550-07H

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Planning Committee: 27 May 2014 **Item Number:** 11

Application No: W 14 / 0404

Registration Date: 07/04/14
Town/Parish Council: Leamington Spa **Expiry Date:** 02/06/14
Case Officer: Penny Butler
01926 456544 penny.butler@warwickdc.gov.uk

5-6 Milverton Crescent West, Leamington Spa
Demolition of two buildings, retention of coach house and conversion into a single dwelling, and erection of six new dwellings and provision of car parking. (Resubmission of W13/0681) FOR Lewis & Lewis
---

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The application proposes the demolition of two of the existing buildings, the retention of the existing coach house and the conversion of this into a single dwelling and the erection of six new dwellings (creating seven dwellings in total). The centre of the three existing accesses is proposed to be retained, while the other two would be closed off. Access is proposed to be provided under an archway to a rear parking area. Six of the dwellings would form a terrace fronting onto Milverton Crescent West, ranging from two to three storeys in height. The seventh dwelling would be a two storey structure situated alongside the rear boundary of the site, fronting onto the car park. The width of the undercroft access has been increased from the 4m proposed under the previous application to 5m, and the parking areas have been revised in layout.

THE SITE AND ITS LOCATION

The application site is situated on the western side of Milverton Crescent West. The site comprises nineteenth century two-storey former mews / stable buildings and an external yard. The surrounding area is predominantly residential in character. It is likely that the site originally provided stables / grooms quarters serving the larger houses on the opposite side of Milverton Crescent West.

The application site has been vacant for a number of years but the buildings were formerly used as carpentry and engineering workshops, a car repairs business and as a builder's yard. The eastern boundary of the site is enclosed by a high brick wall along the boundary with Milverton Crescent West through which

vehicular access is available. The yard to the rear is overgrown with pockets of scrub vegetation and is surrounded by tall boundary walls.

The site is situated within the Leamington Spa Conservation Area. There are a mix of residential properties within the area. The east side of Milverton Crescent West (opposite the application site) contains listed Regency houses and modern flats standing on the site of a large Victorian house that has been demolished. The west side of Milverton Crescent West comprises mainly mews houses.

The application site backs onto the rear of the dwellings at no's. 24-34 Union Road, no's. 53-69 Rugby Road and Henry Tandey Court. The northern boundary of the site adjoins a small garage business carrying out vehicle repair and maintenance which operates Monday - Friday 9am - 6pm and on Saturday mornings.

PLANNING HISTORY

In 1967 planning permission was granted for "Use of dwelling as store / offices" (Ref: 12197).

In 1972 planning permission was granted for "Alterations to dwelling and builder's store" (Ref: 15077).

In 1972 planning permission was granted for "Extension, 3 dwellings and use as builder's yard and offices" (Ref: 15679).

In 1990 planning permission was granted for "Alterations to existing vehicular access" (Ref: W90/0401).

In 1993 planning permission was refused for "Erection of extension to storage area at first floor" (Ref: W93/0311). The reason for refusal was as follows: *"In the opinion of the District Planning Authority, the proposed development would result in the over intensification of a non-conforming use, within a predominantly residential area, to the detriment of the amenities of nearby residents by reason of additional traffic and lack of adequate car parking facilities"*.

In 2006 Conservation Area consent was refused for the demolition of No. 6 Milverton Crescent West (Ref: W06/0073CA). The reason for refusal related to the absence of a detailed proposal for its replacement and suitable evidence to demonstrate a case for demolition on grounds of contamination or structural defects.

In 2011 planning permission and Conservation Area consent were granted for "Erection of 5no. 3 bed dwellings and 1no. 1 bed dwelling after partial demolition of existing buildings" (Ref's: W09/0251 & W09/1403CA). This permission has recently lapsed.

In 2013 planning permission was refused for "Demolition of two buildings with retention of one; change of use to residential use and erection of seven dwellings and car parking" (Ref W/13/0681). The Council's reasons were firstly,

unacceptable harm to the living conditions of neighbouring dwellings and that the proposals would not provide a satisfactory living environment for future occupants of Unit 1. Secondly, the loss of a traditional building and the inappropriate design and form of the proposed replacement buildings are considered to result in significant harm to the character and appearance of the Conservation Area. Thirdly, as a result of the substandard off-street parking provision and access arrangements the proposals would be detrimental to highway safety. Fourthly, the proposals make inadequate provision for the storage of refuse and recycling, which will potentially result in unsightly bin storage on the site frontage and potentially on the public highway and rear parking area, to the detriment of highway safety and the visual amenities of the area. Finally, in the absence of an updated bat survey, the applicant failed to demonstrate that the proposal will not harm bats.

This application was the subject of an appeal which was dismissed in February 2014. The Inspector confirmed the relevant policy test relates to paragraph 14 of the NPPF, since the Council cannot demonstrate a five year supply of deliverable housing sites, the test is whether the adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole. He was satisfied with the alterations and extensions to no.5. The replacement building at no.6 was considered to lack detailing and variation to its windows, was bulky, relatively plain and particularly apparent in the street scene due to its position close to the back of the footway. The stepped frontage was not sufficient to break up its overall mass or vary its appearance, and would fail to preserve the character and appearance of that part of the Conservation Area. It would also cause harm by providing a continual built frontage at a height of two storeys or greater broken up by a relatively narrow bridged entrance. Bin storage in the front gardens would also have been unsightly.

The Inspector was satisfied the proposal "would not have a significant adverse effect on the living conditions of the occupiers of adjacent dwellings and would provide acceptable living conditions for future occupiers of the proposed dwellings", thereby complying with Policy DP2. He had concerns regarding turning space for vehicles and the entrance width which raised highway safety concerns which were not in themselves sufficient to refuse planning permission, but added to the harm caused by the proposal. An adequate bat survey was provided to the Inspector to satisfy the final reason for refusal. The development also triggered to need for a contribution to be made towards public open space in accordance with the SPD Open Space.

RELEVANT POLICIES

- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)

- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
- National Planning Policy Framework
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- SC2 - Protecting Employment Land and Buildings (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Vehicle Parking Standards (Supplementary Planning Document)
- Open Space (Supplementary Planning Document - June 2009)
- Distance Separation (Supplementary Planning Guidance)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- The emerging Warwick District Local Plan 2011 - 2029

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: An objection is raised for the following reason. Members welcomed new housing on this site but the density of properties is likely to cause issues with highway safety both on and off-site.

Public response: Six objections received raising the following concerns:
- Harm to character of Conservation Area
- Harm to neighbouring amenity arising from loss of privacy, overlooking, loss of light, increased noise and disturbance.
- Increase demand for on street parking in a high demand area, insufficient provision of on site parking, and loss of parking spaces in front of site. The road is so narrow that access is regularly impeded, leading to prevention of access by emergency vehicles.
- Loss of parking and disturbance during construction
- Noise from car park
- Overdevelopment of site. Three or four dwellings on the site would be more appropriate.
- Inaccurate plans underestimate distances to neighbours

WCC Ecology: Recommend a condition requiring supervision of works by a bat worker.

WCC Highways: Raise objection as the undercroft access width is 5m wide when it should be 5.5m, the visibility splays are insufficient and can only provide 9m in one direction when it should be 33m, and two parking spaces should be 3m wide when they are 2.4m since they are adjacent to a wall.

WDC Neighbourhood Services (Open Space): Recommend that an off-site contribution towards the provision or enhancement of public open space is sought, in accordance with the contribution rates set out in the Open Space Supplementary Planning Document.

WDC Environmental Health: Recommend a condition to require an updated contaminated land assessment to be carried out. Confirm that they are satisfied with the proposed noise insulation scheme contained within the internal noise survey report, but note that this would require the compressor in the adjacent garage premises to be relocated. Recommend a condition to require the implementation of the noise insulation scheme. Also raise the issue of the bedroom over the access potentially experiencing noise from the operation of the access gates and the movement of vehicles underneath.

WDC Waste Management: The bin areas should be large enough to accommodate 1 x grey wheeled bin for refuse, 1 x green wheeled bin for organic waste and at least 1 red box and 1 bag for recycling for each property.

ASSESSMENT

This application has been submitted to address the reasons for refusal provided by the Inspector to the recent appeal. The amendments made to the previous application are as follows:

- Provision of arched window and door heads on front elevation of new dwellings
- Front gable to left hand unit removed
- New gable proposed to right hand unit
- The access width has been increased to 5m
- Parking layout amended
- Bin storage is provided in the rear gardens

The main considerations in the determination of this application are:

- principle of development;
- the impact on the living conditions of neighbouring dwellings and provision of a satisfactory living environment for future occupants of the proposed development;
- the impact on the character and appearance of the Conservation Area;
- car parking and highway safety;

- refuse and recycling storage;
- protection of bats;
- housing mix; and
- contaminated land.

Principle of development

Since the Council cannot demonstrate a five year supply of deliverable housing sites, paragraph 14 of the NPPF is engaged which requires permission to be granted unless the adverse effects of the development would significantly outweigh the benefits, when assessed against the policies in the NPPF as a whole.

Policy UAP1 of the Warwick District Local Plan 1996-2011 seeks to direct new residential development to previously developed land and buildings subject to compliance with other policies, however, this policy cannot be considered up to date and therefore carries very little weight due to the lack of a five year supply. The application site comprises of a vacant car repairs unit and builder's yard which falls within the definition of previously developed land.

Policy SC2 of the Warwick District Local Plan 1996-2011 states that redevelopment or changes of use of existing and committed employment land and buildings for other uses will not be permitted unless one of four (a-d) provisos apply. A 'Statement on Employment Land' has been submitted by the applicants in support of this application, which includes a land use plan of the area highlighting the primarily residential nature of the area, interspersed with some community, small retail and small business premises.

The location and nature of the application site within an established residential area make it inappropriate for the site to be reused or redeveloped for employment use. Indeed, one of the reasons for refusal of planning application W93/0311 was that "*it would result in the over intensification of a non-conforming use within a predominantly residential area*". Whilst there are a small number of other non-residential uses in the area, these are considered to be generally appropriate to the residential area and serve the community. While some low key business uses can co-exist satisfactorily with residential, in this instance the use of the premises has come about from established use over time and is uncontrolled by planning conditions. It is therefore not possible to ensure that a satisfactory environment can be maintained. Furthermore, the location of the site within a residential area means that traffic would be attracted into a residential street where there is little off street parking available which could have an adverse impact on highway safety and residential amenity.

It has therefore been concluded that the circumstances set out in Policy SC2a have been demonstrated and the proposed development would be in accordance with this policy (i.e. the location and nature of the site within an established residential area make it inappropriate for the site to be reused or redeveloped for employment use).

For the above reasons it is considered that a redevelopment for residential purposes would be in accordance with Local Plan Policies UAP1 and SC2 and would therefore be acceptable in principle.

Impact on the living conditions of neighbouring dwellings and provision of a satisfactory living environment for future occupants of the proposed development

The Inspector for the recent appeal looked carefully at the impact on neighbouring properties. The proposed development would contravene the Council's Distance Separation Supplementary Planning Guidance (SPG) in relation to the adjacent dwellings in Union Road. The distance between the first floor of Unit 7 and the rear elevation of No's. 24 and 26 Union Road would only be 10m, whereas the SPG requires a minimum of 12m. Unit 7 would also extend across the whole of the rear aspect of those dwellings. However, the Inspector considered since windows facing 24 and 26 would be in the form of roof lights and a shower room window that would be obscure glazed, this would ensure there would be no unacceptable loss of privacy to these properties.

There would also be a substandard separation distance between the front elevation of Unit 7 and the rear elevation of the adjacent dwellings in Rugby Road (20m as measured from the ground floor bay window and 20.5m as measured from the first floor) - the Distance Separation Guidelines require a minimum 22m between the fronts and / or backs of dwellings. The Inspector considered this issue and was satisfied that there would be no loss of privacy to these residents as the windows would be far enough away given that there is a boundary wall that would be retained between them. He also noted the Standards indicate there is a degree of flexibility in the standards.

In terms of light and outlook, the Inspector considered the existing relatively high boundary walls with properties in Union Road and Rugby Road which would be retained, and the fact that Unit 7 would be stepped away from the boundary. He considered Unit 7 small and far away enough from the facing windows of, and parts of gardens nearest to, surrounding properties to ensure no significant resulting harm to their living conditions.

Living conditions for occupiers of Units 1 and 7 which face each other the development were also considered acceptable given that nearest part of Unit 7 is single storey. The layout determined by the Inspector has not changed, therefore taking his decision into account, it is now considered that the development would not cause significant harm to surrounding occupiers or the future occupiers of the development. The proposals are therefore considered to comply with Policy DP2 in this respect.

Each property benefits from private amenity space which is considered to be appropriate to the size and location of the dwellings.

The proposed development would not breach a 45-degree sight-line in relation to the properties at Henry Tandey Court or 4 Milverton Crescent West.

Unit 6 would share a party wall with Crescent Garage. Noise and vibration reports have been submitted with the application and include details of mitigation measures. Environmental Health have accepted the findings of these reports. However, as Crescent Garage is not within the control of the applicant it will not be possible to secure the removal of the compressor unit by condition. Nevertheless, it is considered that a condition requiring the submission of further noise attenuation measures to supplement those recommended in the reports would be sufficient to avoid a statutory noise nuisance and sub-standard living accommodation.

A condition could also be imposed to deal with the issue of potential noise from the access gates affecting the proposed bedroom above.

Impact on the character and appearance of the Conservation Area

The amended scheme has been subject to significant discussion following the Inspector's decision. The present scheme is considered to respond better to the replacement of the existing bulk and scale of the buildings being demolished. The design of the new taller dwellings as relatively narrow/tall gables responds to the buildings of a similar character at the corner of Milverton Crescent West and Rugby Road. The remainder of the buildings have now been stepped down to two storeys at the front with an archway access over the vehicular entrance, and this is considered to present an acceptable interface between the three and two storey buildings. The detailing is also improved on the front elevation. A condition can be imposed to require appropriate large scale detailing for the Conservation Area, to include windows, barge boards, doors, dormers, Dutch gable and rear balconies.

The Inspector was satisfied with the structural report and justification submitted to justify demolition of the whole of no.6, so this is no longer considered unacceptable despite the conflict with Policy DAP9 which sets out a presumption in favour of the retention of unlisted buildings that make a positive contribution to the character and appearance of a Conservation Area. Subject to appropriate detailing as noted above, the replacement building should preserve the Conservation Area.

For the above reasons it is considered that the proposals would now not cause unacceptable harm to the character and appearance of the Conservation Area.

Car parking and highway safety

The Council's Parking Standards SPD requires a total of 13 off-street parking spaces for the proposed development. However, the scheme only provides 11 spaces. The Inspector was content with this provision given the sustainable location of the site, and there is no objection to the provision from the Highway Authority, therefore there is no outstanding reason for refusal on this point.

The access width has been increased in width from 4m to 5m, but remains substandard as it should be 5.5m. Insufficient visibility is provided for vehicles exiting the site due to the siting of proposed dwellings forwards of the access

point. 9m is provided in a northerly direction when it should be 33m, however, it is noted the Highways Authority do accept that this is a relatively lightly trafficked location and a residential street where traffic speeds are generally lower, so there can be some flexibility on the standard requirement, but not to the extent proposed. Two parking spaces remain a substandard width but amended plans are expected to be received which would remove this objection. The scheme has therefore been improved in highway safety terms since the previous refusal, but not to the extent that satisfies the Highway Authority.

The Inspector was explicit in his decision stating that "the Highway Authority's concerns about highway safety and convenience would not be sufficient on their own to refuse planning permission" and "I accept that on transport grounds its residual cumulative impact would not be severe". The NPPF states that development should only be refused on transport grounds if the residual cumulative impacts of development are severe (para. 32). The NPPF also requires that since this is a housing application, any adverse impacts must significantly outweigh the benefits for permission to be refused (para.14). Despite the concerns relating to visibility and access, it is clear that the residual impacts would not be severe, and that the adverse impacts would not outweigh the benefits of the scheme which consists of the provision of housing to meet unmet housing supply, the provision of employment during construction and the removal of a potentially harmful commercial use in a mainly residential area. The proposal would therefore comply with the recommendations of the NPPF, despite conflicting with Local Plan Policy DP6 and causing harm to highway safety.

Refuse and recycling storage

Dedicated bin storage areas are now provided within the rear gardens of the dwellings, therefore this former reason for refusal no longer applies, as there would be no detriment to the street scene.

Protection of bats

A bat survey was carried out in 2013 which is now acceptable, and the County Ecologist is content for the development to proceed subject to supervision of works.

Housing mix

Policy SC1 of the Warwick District Local Plan 1996-2011 states that "Residential development will not be permitted unless it makes provision for a range of sizes and types of dwellings in all appropriate cases". The Council's Development Management Guidance: "Mix of Market Housing on New Development Sites" (June 2013) goes on to state that in housing schemes of less than 25 dwellings, houses should be provided in preference to flats and that the mix of houses should include mainly 2 and 3 bed small/ medium family homes with gardens. The proposal therefore accords with this policy position, providing 2 no. 2 bedroom dwellings, 3 no. 3 bedroom dwellings and 2 no. 4 bedroom dwellings.

Contaminated land

A contaminated land survey report was submitted with this application which identified contamination and recommended a variety of remediation methods for consideration. Environmental Health have advised that an updated contaminated land assessment is required and have recommended that a condition is imposed to require this prior to the commencement of development.

Other matters

The applicant has agreed in principle to make a contribution towards the enhancement of public open space, which can be secured by condition to meet the requirements of the Council's Open Space SPD.

The application proposes the installation of solar photovoltaic panels to meet 10% of the predicted energy requirement of the proposed dwellings. This would meet the requirements of Local Plan Policy DP13 and the associated SPD.

The previous application included confirmation from Severn Trent Water that an unrestricted foul water discharge from the new properties would be permitted into the 225mm diameter public combined water sewer in Milverton Crescent West. A condition could be imposed to require full drainage details.

Neighbours have raised concerns about noise from construction works. This would be a temporary impact and, if an issue were to arise, this would be dealt with by Environmental Health under Environmental Protection legislation.

Neighbours have also raised concerns about the impact on parking on street during demolition and construction works. This would be a temporary impact that would not justify a refusal of planning permission.

SUMMARY / CONCLUSION

It is considered that the scheme addresses the reasons for refusal previously given by the Planning Inspector, and that the proposal therefore protects the Conservation Area and provides adequate refuse storage. The residual impact on highway safety would not be severe, and the harm caused to highway safety does not outweigh the benefits of the proposal. The application should therefore be approved as it would accord with the policies listed aside from DP6.

CONDITIONS

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

2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) (1525/1A; 1525/2B submitted on 17 March 2014. 1525/7A submitted on 12 May 2014), and specification contained

therein. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

3 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON :** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.

4 No development shall take place until:

(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:

- A risk assessment to be undertaken relating to human health
- A risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected
- An appropriate gas risk assessment to be undertaken
- Refinement of the conceptual model
- The development of a method statement detailing the remediation requirements

(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 deal with.

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

5 Before the use commences, the building shall be insulated in strict accordance with the noise insulation scheme detailed within the internal noise survey report submitted with the application and thereafter such works shall not be removed or altered in any way without the prior written approval of the local planning authority. This shall be supplemented with a site visit from Environmental Health to witness the pre-completion sound insulation testing prior to internal decoration. The applicant shall also confirm that there has been no change to the surrounding environment or equipment in the adjoining garage/MOT centre that would adversely affect the findings of the submitted survey. **REASON:** To ensure that the level of noise inside the building is confined to levels which would not cause unacceptable disturbance to the detriment of the amenities of the future occupiers in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

6 Unit 2 hereby permitted shall not be occupied unless and until the unit has been insulated against noise and vibration through the structure from the gates beneath, and from vehicles passing underneath the unit, in accordance with a scheme to be submitted to and approved in writing by the local planning authority. **REASON:** To ensure that the dwelling as a satisfactory standard of amenity in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

7 The development hereby permitted shall not commence unless and until two weeks notice in writing of the start of works has been given to a suitably qualified bat worker appointed by the applicant to supervise all destructive works to the roof. All roofing material is to be removed carefully by hand. Should bats be found during this operation, then work must cease immediately while Natural England are consulted for advice and no further works shall be undertaken at the site unless and until full details of measures for bat migration and conservation have been submitted to and approved in writing by the local planning

authority. The development shall then proceed in full accordance with the approved details and any required mitigation works shall be complete in full accordance with the approved details and shall not be removed or altered in any way without the prior written approval of the local planning authority. In order to discharge the condition above a brief report from the bat worker must be submitted to and approved by the Local Planning Authority (with advice from WCC Ecological Services). **REASON:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-2011.

8 The development hereby permitted shall be carried out in strict accordance with the details of surface and foul water drainage works that have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011.

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

10 Unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance

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

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

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

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

11 No development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), dormers, the Dutch gable, balconies, eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.

12 The roofing material for the development shall be natural slate, a sample of which shall have been submitted to and approved in writing by the District Planning Authority. The development shall be carried out in accordance with the approved details. **REASON**: To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.

13 All window frames shall be constructed in timber, painted and not stained, and be of a sliding sash type set in reveals of 75mm from the face of the building. **REASON:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.

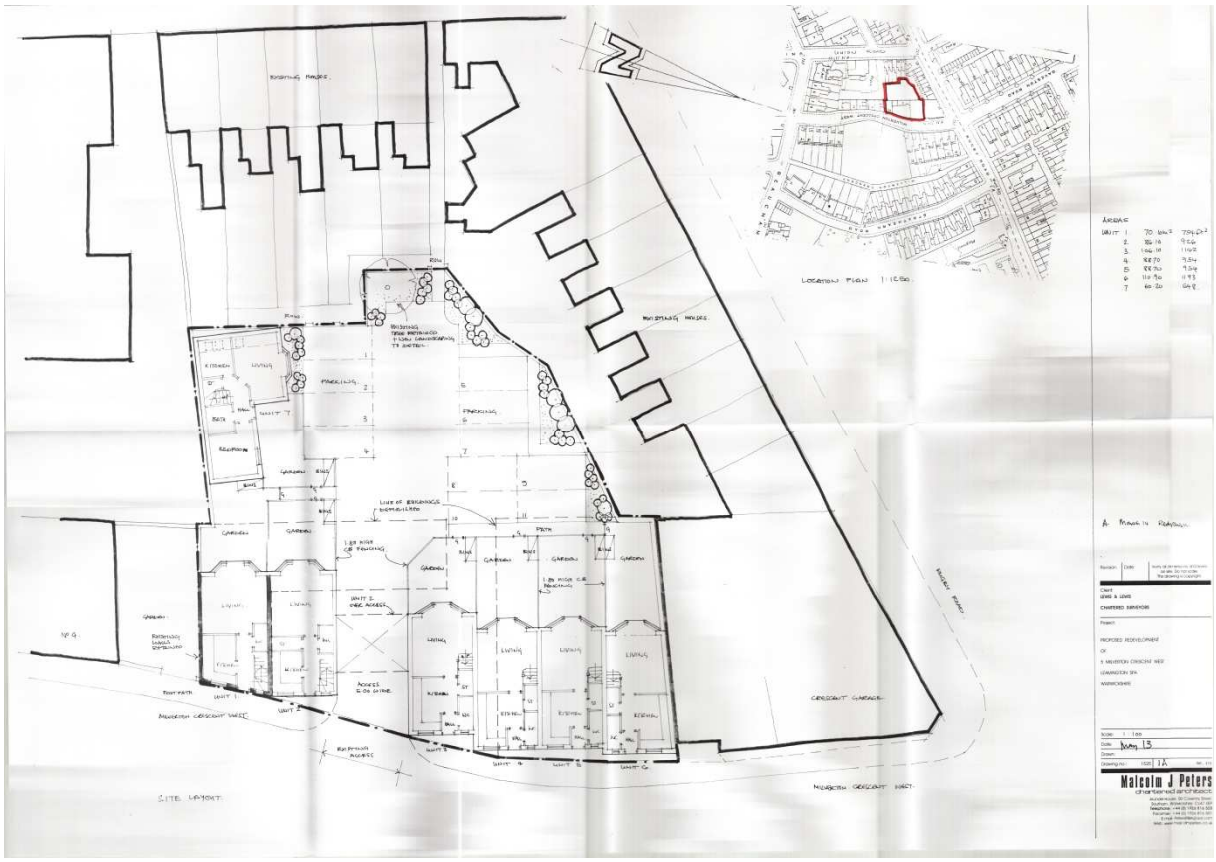
14 All rainwater goods for the development hereby permitted shall be metal. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.

15 The dwellings hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **REASON:** To ensure that a satisfactory provision of off-street car parking and turning

facilities are maintained at all times in the interests of the free flow of traffic and highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011.

16 The development shall be carried out only in full accordance with sample details of the bricks and slates which have been submitted to and approved in writing by the local planning authority. **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 DP1 of the Warwick District Local Plan 1996-2011.

17 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) no windows, roof lights or openings (apart from any shown on the approved drawings) shall be formed in the rear or side facing elevations of Unit 7. **REASON:** To ensure the amenities of adjoining properties are not detrimentally affected through overlooking or loss of privacy in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011.


EXISTING HOUSES
EXISTING HOUSES
LOCATION PLAN 1:1250
AREAS
UNIT 1 70 m² 754ft²
2 88.16 950
3 104.19 1122
4 82.70 924
5 82.70 924
6 110.50 1193
7 60.20 648
PARKING
PARKING
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PATH
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KITCHEN
KITCHEN
KITCHEN
BATH
BEDROOM
UNIT 7
UNIT 1
UNIT 2
UNIT 3
UNIT 4
UNIT 5
UNIT 6
ACCESS 5.0m WIDE
ACCESS 5.0m WIDE
MELBOURN CRESCENT WEST
MELBOURN CRESCENT WEST
GARAGES
A Minor Revisions
Client
LEWIS & LEWIS
CHARTERED SURVEYORS
Project
PROPOSED REDEVELOPMENT
OF
6 MELBOURN CRESCENT WEST
LEAMINGTON SPA
WARWICKSHIRE
Scale 1 : 100
Date May 13
Drawing No. 1128 1A
Malcolm J Peters
CHARTERED ARCHITECT

ELEVATION TO MALVERN CRESCENT WEST
REAR ELEVATION
ROOF PLAN 1:200
SIDE ELEVATION
FIRST FLOOR PLAN
SECOND FLOOR PLAN
Malcolm J Peters
chartered architect

Planning Committee: 27 May 2014 **Item Number:** 12

Application No: W 14 / 0473

Registration Date: 02/04/14
Town/Parish Council: Warwick **Expiry Date:** 28/05/14
Case Officer: Liz Galloway
01926 456528 Liz.galloway@warwickdc.gov.uk

78 Montague Road, Warwick, CV34 5LL
Erection of a front porch; two storey side extension; two storey rear extension and single storey rear extension FOR Mr Uppal
---

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The applicant seeks to construct a front porch, two storey side and rear extension and a single storey rear extension.

THE SITE AND ITS LOCATION

The application property is a semi-detached dwelling with detached rear garage and driveway located to the east of Montague Road and to the north of The Ridgeway.

PLANNING HISTORY

W09/1408 - Refused for the erection of a two storey side and rear single storey rear extension principally by reason of the impact of the depth of the proposed single storey extension on 80 Montague Road.

RELEVANT POLICIES

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- National Planning Policy Framework

- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- The emerging Warwick District Local Plan 2011 – 2029.

SUMMARY OF REPRESENTATIONS

Warwick Town Council: The Town Council request a site visit because it is considered that the massing of the development will impact upon the adjoining properties and accordingly does not comply with Local Plan Policies.

Warwick North Councillor: Requests that the application be considered by Planning Committee.

WCC Ecology: Recommend bat note

ASSESSMENT

The proposal is for the erection of a two storey side extension to create a family room and kitchen with bedroom 3 and master bedroom with en-suite and dressing rooms above. A single storey extension is also proposed to the rear of the property to create an extended kitchen and dining room along with a front porch.

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

- The impact on the street scene
- The impact on the living conditions of nearby dwellings
- Renewable Energy
- Parking
- Ecology Issues

The impact on the street scene

The proposed extension will be situated on the side and rear of the property and will be visible within the street scene. The Warwick Town Council have objected to this proposal on the grounds of unacceptable massing which it is considered will impact on the adjoining properties and result in non-compliance with Local Plan Policies. However, it is considered that the proposed extension will be subordinate to the existing property being set down from the dominant roof level and set back marginally from the front elevation, thus creating a subservient form of extension. Although a significant proportion of the proposed extension is situated to the side of the property it is considered that this development would not be unacceptable within the street scene due to the subservient design in relation to the existing property and will not erode the openness of this corner plot to the extent that a planning objection could be raised on that ground. The positioning of the property is such that the proposal would be prominent; however many similar designs of extension exist in the area generally and it is considered that the proposal would not have a detrimental impact within the locality sufficient to justify a refusal of permission. The development is,

therefore, considered to comply with Warwick District Council Local Plan Policy DP1.

The impact on the living conditions of nearby dwellings

Policy DP2 requires development to not lead to an unacceptable adverse impact on the amenity or nearby users or residents, and to provide acceptable standards of amenity for future users/occupiers of the development. The proposals will not harm adjoining uses and would therefore comply with this Policy.

Number 80 Montague Road lies adjacent the northern boundary of the application site and has no rear extensions. This neighbour has a large rear window which lies on the boundary with the application site and it is considered that the proposed single storey rear extension will breach the 45 degree guideline. However, by reason of the reduced depth of this element of the proposal relative to that previously refused it is not considered that the impact of the proposal is sufficient to justify the refusal of permission on that ground. The relationship of the proposed first floor extension to this property is such that there is not considered to be any material impact.

Number 1 The Ridgeway lies to the rear of the application site and is a detached bungalow with integral rear garage. This neighbour has a side facing entrance door, small side facing bedroom window looking towards the application site. There is also a large boundary hedge running along the rear boundary of the application site which is in their ownership and within their boundary. This neighbour will be situated approximately 20 metres away from the proposed first floor element of the rear extension, and on balance it is considered that this neighbour will not be significantly affected by loss of light, outlook or privacy to the extent that planning permission should be refused.

By reason of the relationship and separation distances between the proposals and other properties facing towards the application site, there is considered to be no material impact on those properties.

Renewable Energy

Due to the scale of the proposed extensions the applicant has submitted an application detailing how 10% of the energy is to be provided by renewables. As such, the proposals are considered to be in accordance with the Warwick District Councils Local Plan Policies DP12 and DP13.

Parking

It is considered that there is sufficient off-street parking to the front of the property and that the proposed development would comply with Warwick District Council Local Plan Policy DP8 and the Council's adopted Vehicle Parking Standards.

Ecology issues

WCC Ecology have commented on this application however, they consider that a cautionary bat note would be sufficient and that this application in its present form is acceptable and complies with Warwick District Council Policy DP3.

SUMMARY/CONCLUSION

In conclusion, it is considered that the proposed two storey side/rear extension and front and rear single storey extensions are acceptable in terms of their character and appearance within the street scene and do not significantly impact on the amenities of surrounding neighbours such as would support a reason for refusal.

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 003K, 004L, and specification contained therein, submitted on 2nd April, 2014. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

3 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON :** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.

4 The development hereby permitted shall not be first occupied unless and until the renewable energy scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturers specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. **REASON** : To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

AREA 2 HA
SCALE: 1:1250
CENTRE COORDINATES: 429084.1 , 266106.9

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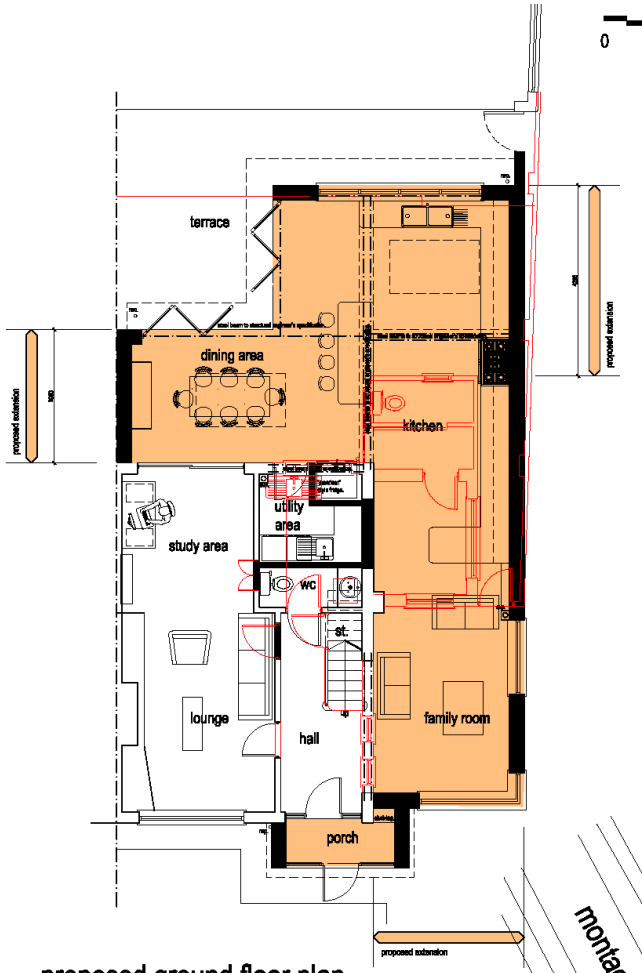
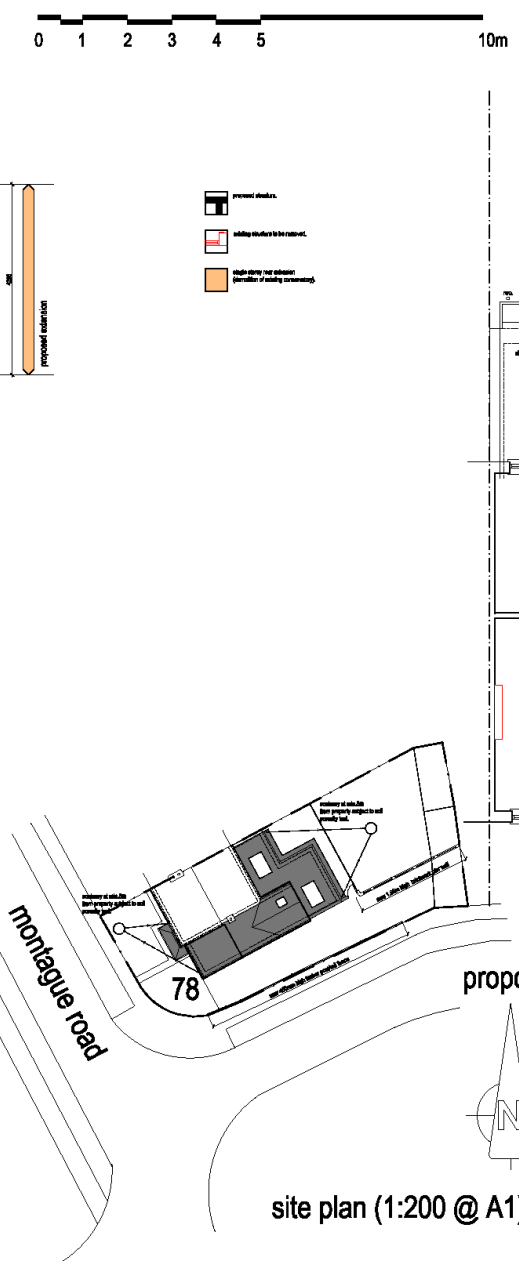
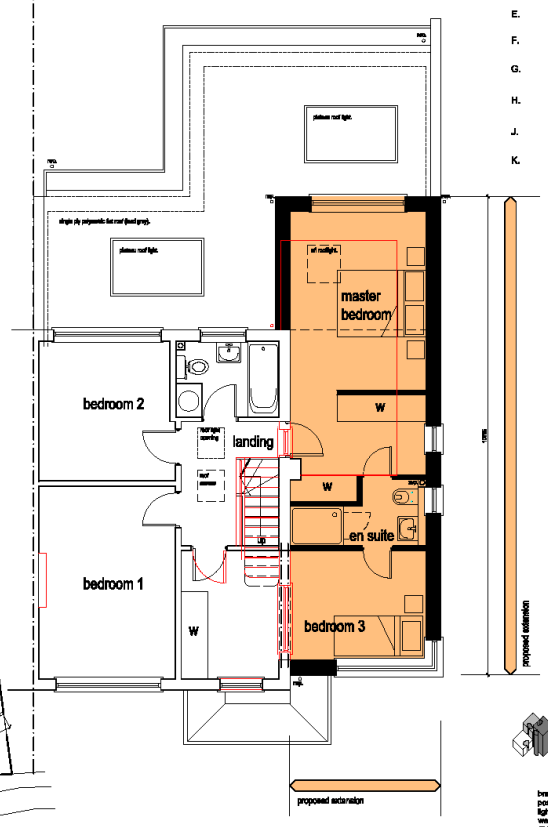


proposed ground floor plan



site plan (1:200 @ A1)



proposed first floor plan

Revision	Date	
A.	Oct 09	General client requested updates.
B.	Oct 09	General client requested updates.
C.	Nov 09	General client requested updates.
D.	Nov 09	General client requested updates.
E.	Oct 12	General client requested updates.
F.	Nov 12	Further client requested updates.
G.	Jan 13	Further client requested updates.
H.	Mar 13	Further client requested updates.
J.	Mar 14	Further client requested amendments. Planning Application.
K.	Mar 14	Minor amendments. Resubmit Planning Application.

jigsaw architectural

brambles cottage
post office lane
lighthorne
warwick
CV35 0AP
t/f/0926 651717
m:07764 376730

CLIENT
Mr & Mrs Uppal

PROJECT
Proposed Extension & Alterations to 78 Montague Road, Warwick.

TITLE
Proposed Ground & First Floor Plans
Proposed Site Plan

SCALE
1:50 @ A1 1:100 @ A3 (As Denoted)

DATE Oct 2009 | DRAWN GSD

JOB Nº 09.119 | DRAWING Nº 003k

PLANNING APPLICATION

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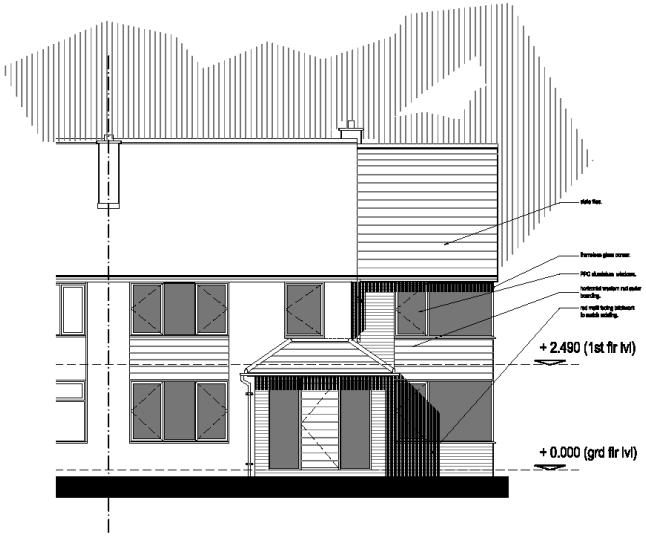
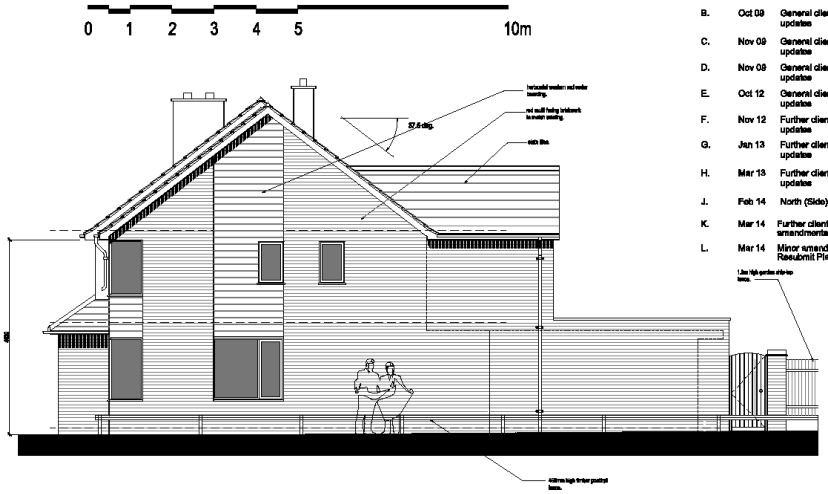
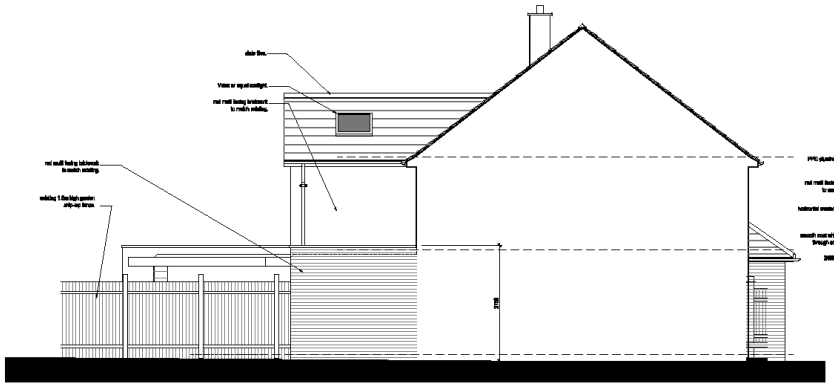


proposed front (west) elevation

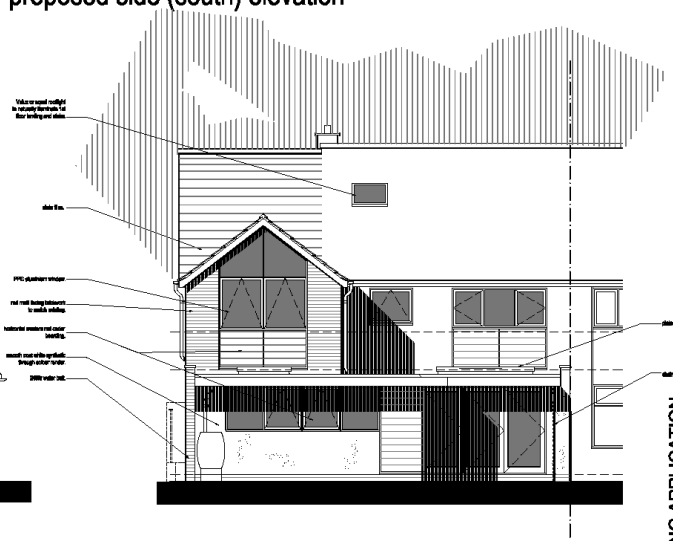


proposed side (south) elevation

Revision	Date	
A.	Oct 09	General client requested updates
B.	Oct 09	General client requested updates
C.	Nov 09	General client requested updates
D.	Nov 09	General client requested updates
E.	Oct 12	General client requested updates
F.	Nov 12	Further client requested updates
G.	Jan 13	Further client requested updates
H.	Mar 13	Further client requested updates
J.	Feb 14	North (Side) elevation added.
K.	Mar 14	Further client requested amendments. Planning Application.
L.	Mar 14	Minor amendments. Resubmit Planning Application.



proposed side (north) elevation



proposed rear (east) elevation

jigsaw architectural

hearnlea cottage
post office lane
lighthorne
warwick
CV35 0AF
t:01926 651717
m:07704 376730

CLIENT
Mr & Mrs Uppal

PROJECT
Proposed Extension & Alterations to 78 Montague Road, Warwick.

TITLE
Proposed Elevations

PLANNING APPLICATION

SCALE
1:50 @ A1 1:100 @ A3 (As Denoted)

DATE	DRAWN
Oct 2009	GSD
JOB Nº	DRAWING Nº
09.119	004L

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Planning Committee: 27 May 2014 **Item Number:** 13

Application No: W 14 / 0413

Registration Date: 20/03/14
Town/Parish Council: Whitnash **Expiry Date:** 15/05/14
Case Officer: Sally Panayi
01926 456541 Sally.Panayi@warwickdc.gov.uk

2 Greenhill Road, Whitnash, Leamington Spa, CV31 2HG
Demolition of existing garage and utility room and erection of two storey side extension including new garage. FOR Mr Harman Randhawa
---

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The proposal the subject of the current application is for the demolition of the existing garage and utility room and the erection of a new garage and utility room with first floor accommodation over.

THE SITE AND ITS LOCATION

The dwelling the subject of this application is a detached house located in Greenhill Road, on a large corner plot at the junction with Church Lane. The corner of Greenhill Road and Greville Smith Avenue is also occupied by the neighbour at 71 Greville Smith Avenue to the north. The two properties are positioned at right angles to each other with the rear elevation of number 71 overlooking the rear garden of the application site. St Margaret's Church is located to the south of the application site and is located within the Conservation Area, the boundary of which is formed by the southern garden boundary of the application site. The application site is therefore adjacent to rather than within the Conservation Area. The character of the street is of predominantly detached houses and bungalows in a variety of styles.

PLANNING HISTORY

There is no planning history relating to this property.

RELEVANT POLICIES

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- National Planning Policy Framework.
- The emerging Warwick District Local Plan 2011 - 2029.

SUMMARY OF REPRESENTATIONS

Neighbour Objection:

1. 3 Greenhill Road. No additional parking for the larger property will result in on street parking on the corner of the road. This is over development. The extension would be better to the rear or other side of the property.

2. 71 Greville Smith Ave. The extension should be smaller. Overlooking windows should be fixed obscure glazed below transom height. The neighbour's rear garden is only 16 feet wide and will have sunlight blocked by the extension.

Whitnash Town Council: The proposal is over development and unneighbourly. Vision splays need to be considered as this is a corner plot and any high walls will hamper vision splays at this junction.

County Ecology: Recommend that a note relating to bats, nesting birds, amphibians and reptiles as protected species, be attached to any approval granted.

Assessment

The main issues for consideration are:

The principle of the development and the impact on the streetscene

The impact on the amenity of the neighbouring residents

Parking and highway safety

The principle of the development and the impact on the streetscene

Local Plan Policy DP1 requires all development to relate well and harmoniously with the architectural form of the surrounding built environment, in terms of scale and massing, and also through good design. Paragraph 58 of the National Planning Policy Framework promotes development that reflects the appearance and character of the surrounding area. The District Council's Residential Design Guide 2008 sets out design criteria that should be adhered to in order to meet the objectives of good design and layout outlined in Local Plan Policy DP1.

The two storey side extension projects to a width of 4.0 metres beyond the original first floor flank wall and 1.0 metre beyond the flank wall of the original

garage. A 1.0 metre access path has been maintained to the side of the proposed extension. The extension has been designed in the style of the original dwelling, with materials indicated to match the existing. The ridge line of the roof is set down from the main dwelling by 0.3 metre and is in accordance with the Council's Residential Design Guide requiring that the extension is subservient to the original dwelling.

Taking all matters into consideration, it is considered that the proposed extension meets the requirements of Local Plan Policy DP1 and the Residential Design Guide and is acceptable in design terms.

The impact on the amenity of the neighbouring residents

Local Plan Policy DP2 requires all development to have an acceptable impact on the amenity of all neighbouring residents, in terms of outlook and visual intrusion. The Council's Residential Design Guide provides a design framework for Policy DP2 and states that extensions should not breach a 45 degree line taken from the nearest habitable room of a neighbouring property.

The neighbour at number 71 has a rear garden with a depth of 5.0 metres, with the rear boundary forming the side garden boundary of the application site. The two first floor bedroom windows of this neighbour are the sole windows for those rooms and overlook the garden of the application site. The extension is not directly to the rear of these windows but set to the south west. There is an existing separation distance of 9.0 metres between the corners of the two dwellings at first floor level. In terms of any impact on a 45 degree line taken from the neighbours windows, there is already a conflict with the existing house, however as a result of the proposal, this separation will be reduced by 4.0 metres. Given that the application site is to the south of the neighbour there will be some loss of light, however, in view of the juxtaposition of the properties it is not considered that any such harm is to a degree that would warrant refusal of the application.

The north side elevation of the proposed extension has three windows at ground floor serving the utility room, the garage and a downstairs shower room and in addition a secondary first floor window serves the bedroom. The existing garage and utility has three windows at ground floor which are screened from the neighbour at 71 Greville Smith Avenue by the 1.8 metre fence and the neighbour's detached garage. It is considered that the proposed ground floor flank windows will not result in overlooking, although it is considered that the first floor side window should be obscure glazed to prevent any overlooking.

A first floor window is proposed in the rear elevation of the extension to serve the en suite for the additional bedroom, which is also proposed to be obscure glazed.

On balance the proposed extension is not considered to result in impacts to the amenities of adjacent properties to the extent that planning permission should be refused.

Parking and highway safety

Local Plan Policy DP8 requires that development will only be permitted that makes provision for parking and which does not result in on-street parking detrimental to highway safety. The application proposes the rebuilding of the garage and the creation of an additional bedroom at first floor. The parking space requirement for a five bedroom dwelling is two spaces. There is sufficient parking available within the re-built garage, on the drive and within the front garden of the property to meet this requirement, therefore the proposal is considered to meet the requirements of policy DP8.

By virtue of its position and design, it is not considered that the proposed extension materially impacts upon highway visibility.

Other Matters

Health and social wellbeing Not applicable

Ecology: In accordance with Local Plan Policy DP3, a bat informative note will be issued with any decision notice granting planning permission in order to protect such species from construction works. In addition a note relating to nesting birds, reptiles and amphibians as protected species is to be attached to any approval granted.

Renewables: Given the limited scale of the development proposed, it is considered that a requirement to provide renewables in accordance with Policy DP13 and the associated SPD would not be appropriate in this case.

Summary/Conclusion

In the opinion of the Local Planning Authority, the development respects surrounding buildings in terms of scale, height, form and massing and does not adversely affect the amenity of nearby residents to the extent that planning permission should be refused. The proposal is therefore considered to comply with the policies listed.

CONDITIONS

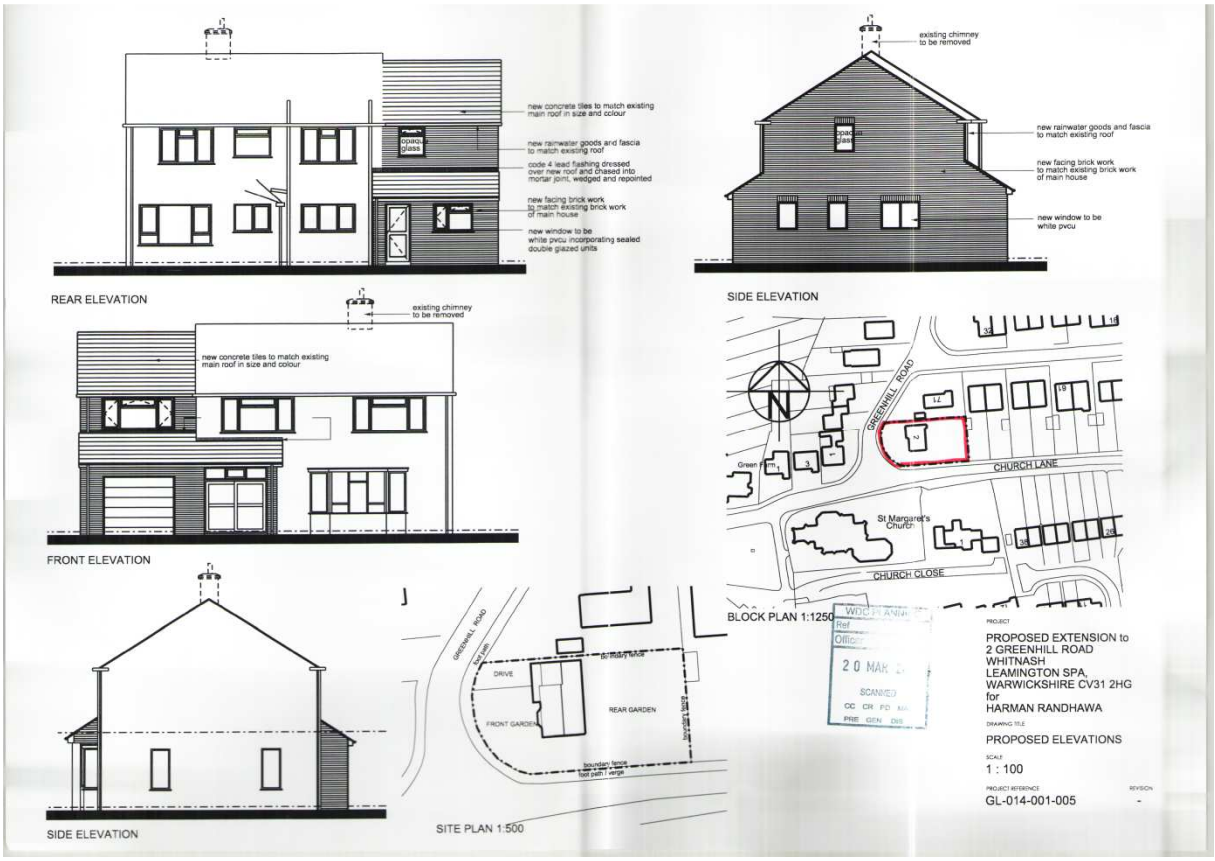
1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and

approved drawings GL-014-001-002, GL-014-001-003, GL-014-001-004 and GL-014-001-005, and specification contained therein, submitted on 20th March 2014. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

3 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON :** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.

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


new concrete tiles to match existing main roof in size and colour
opaque glass
new rainwater goods and fascia to match existing roof
code 4 lead flashing dressed over new roof and chased into mortar joint, wedged and repointed
new facing brick work to match existing brick work of main house
new window to be white pvcu incorporating sealed double glazed units
REAR ELEVATION
existing chimney to be removed
new rainwater goods and fascia to match existing roof
new facing brick work to match existing brick work of main house
new window to be white pvcu
SIDE ELEVATION
existing chimney to be removed
new concrete tiles to match existing main roof in size and colour
FRONT ELEVATION
GREENHILL ROAD
CHURCH LANE
St Margaret's Church
CHURCH CLOSE
BLOCK PLAN 1:1250
SIDE ELEVATION
GREENHILL ROAD
DRIVE
FRONT GARDEN
REAR GARDEN
boundary fence
foot path / verge
SITE PLAN 1:500
SCANNED
PROJECT
PROPOSED EXTENSION to
2 GREENHILL ROAD
WHITNASH
LEAMINGTON SPA,
WARWICKSHIRE CV31 2HG
for
HARMAN RANDHAWA
DRAWING TITLE
PROPOSED ELEVATIONS
SCALE
1 : 100
PROJECT REFERENCE
GL-014-001-005
REVISION
-

Planning Committee: 27 May 2014 **Item Number:** 14

Application No: W 14 / 0370

Registration Date: 02/04/14
Town/Parish Council: Warwick **Expiry Date:** 28/05/14
Case Officer: Sally Panayi
01926 456541 Sally.Panayi@warwickdc.gov.uk

31 Shreres Dyche, Warwick, CV34 6BX
Erection of two storey side extension, erection of single storey front extension to create entrance porch and erection of extension to existing detached garage to form home office. FOR Mr Mark Lee
---

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The proposal the subject of this application is for a single storey front extension to create a porch, a two storey side extension and an extension to the existing garage to provide a home office.

THE SITE AND ITS LOCATION

The application relates to 31 Shreres Dyche, a large modern detached house located at the end of a secluded cul-de-sac to the south west of Warwick. The house is one of four detached houses positioned on the cul de sac with houses only on the southern side of the road, with a landscaped strip on the opposite, northern side of the road, which forms part of an open landscaped area in Mander Grove.

The dwelling has a detached garage positioned to the front (north) of the house. On the boundary to the west of the house is a single storey detached block with four garages and a car park which serves the three storey houses in Purser Drive. The rear elevations of the three storey neighbours face towards the flank wall of 31 Shreres Dyche.

PLANNING HISTORY

There is no previous planning history for this dwelling.

RELEVANT POLICIES

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Distance Separation (Supplementary Planning Guidance)
- National Planning Policy Framework
- The emerging Warwick District Local Plan 2011 - 2029.

SUMMARY OF REPRESENTATIONS

County Ecology: Recommend that a note relating to bats, nesting birds, and amphibians as protected species, is attached to any approval granted.

Warwick Town Council: OBJECT The proposal represents an overdevelopment of the site and does not comply with Local Plan Polices

Assessment

The main issues for consideration are:

The principle of the development and the impact on the streetscene

The impact on the amenity of the neighbouring residents

The principle of the development and the impact on the streetscene

Local Plan Policy DP1 requires all development to relate well and harmoniously with the architectural form of the surrounding built environment, in terms of scale and massing, and also through good design. Paragraph 58 from the National Planning Policy Framework (NPPF) requires that all development reflects the identity of local surroundings and materials, and responds to local character. The District Council's Residential Design Guide 2008 sets out design criteria that should be adhered to in order to meet the objectives of good design and layout outlined in Local Plan Policy DP1.

The street scene in this part of Shreres Dyche is of large detached houses. There are no views of the house subject of this application from the entrance to the road as the cul-de-sac is on a bend with the dwelling located at the turning head at the end.

The single storey front extension to provide a porch is positioned 1.0 metre forward of the existing front door. The existing tiled pitch roof over the front door is to be replaced by a flat roof porch with a parapet wall. This alteration to the dwelling is seen from the road. The brick work of the porch is to match the house and the design is considered to be appropriate for the style of the house and does not have an adverse impact on the street scene.

The proposed extension to the side of the existing garage will be seen from the road. The structure extends the width of the existing garage at the same height with a tiled pitch roof over. A window is shown on the front elevation which will look over the front garden of the house, and a window in the flank elevation which will look towards the proposed two storey side extension. The area of the garage extension is currently occupied by a shed and a paved patio area. The garage is positioned close to the garage block for the dwellings in Purser Drive. The two buildings are of similar height and the proposed development is not considered to be unacceptable in this location.

The two storey side extension is 5.0 metres in width at ground floor on the front elevation, reducing to 4.0 metres in width on the rear elevation in order to maintain a 1.0 metre access path to the side adjoining the tapered boundary. At first floor the width of the extension is 4.0 metres. The front and rear walls of the side extension are each set back from the original elevations by 1.0 metres. As a result of this set back, the front elevation of the extension is not prominent from the street and has no adverse impact on the street scene. While the ridge line of the extension is not set down from the ridge height of the original roof as would usually be required to ensure the structure is subservient to the main dwelling, it is considered that the set back of the front and rear walls do ensure a differentiation between the original dwelling and the extension and in this way meet the requirements for a distinction between the two.

Therefore, taking all matters into consideration, it is considered that the proposed extension meets the requirements of Local Plan Policy DP1 and is acceptable in design terms.

<u>The impact on the amenity of the neighbouring residents</u>

Local Plan Policy DP2 requires all development to have an acceptable impact on the amenity of all neighbouring residents, in terms of outlook, provision of daylight and visual intrusion. The Council's Residential Design Guide provides a design framework for Policy DP2 and states that extensions should not breach a 45 degree rule taken from the nearest habitable room of a neighbouring property.

There is no impact on the neighbour at 29 Shreres Dyche as a result of the proposed extensions.

The rear wall of the three storey houses in Purser Drive are 21 metres from the existing flank wall of 31 Shreres Dyche. The flank wall of the proposed two storey side extension will be 17 metres from the rear wall of the three storey dwellings and therefore in excess of the 12 metre minimum separation distance required by the Council's Residential Design Guide for a two or three storey dwelling house and a blank gable wall of a single or two storey dwelling. There

are no windows in the flank elevation facing towards the neighbours in Purser Drive.

The proposed extension of the garage to provide a home office will not have an impact on the neighbours at Purser Drive. The building is screened by the neighbours garage block preventing any overlooking between the dwellings and the window in the south elevation of the garage extension.

The proposed development is considered to have an acceptable impact on the amenity of neighbouring residents and meets the requirements of Local Plan Policy DP2 and the Residential Design Guide.

Other Matters

Health and social wellbeing Not applicable

Ecology: In accordance with Local Plan Policy DP3, a bat informative note and notes relating to nesting birds and amphibians as protected species will be issued with any decision notice granting planning permission in order to protect such species from construction works.

Renewables: In relation to Local Plan Policy DP13, solar panels have been indicated to be positioned on the south facing roof to provide 10% of the predicted energy requirements as a result of the increase in floorspace from the proposed extension. However, no detailed technical report has been provided to demonstrate meeting the 10% target at this stage and therefore, this will be secured by condition.

Summary/Conclusion

In the opinion of the Local Planning Authority, the development respects surrounding buildings in terms of scale, height, form and massing and does not adversely affect the amenity of nearby residents. The proposal is therefore considered to comply with the policies listed.

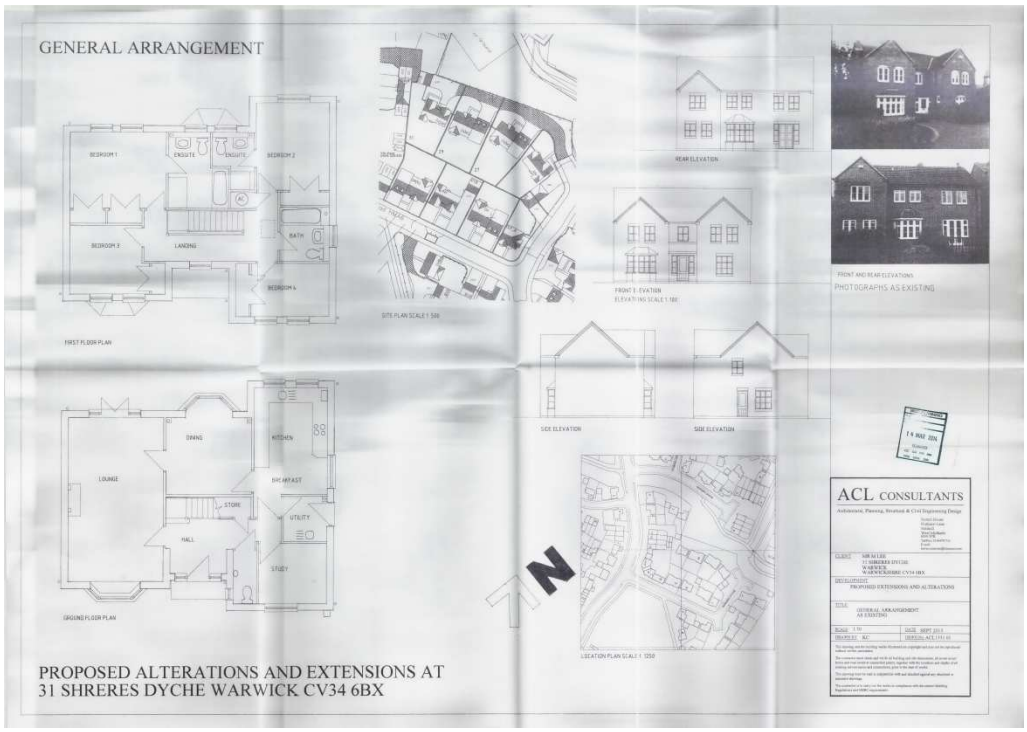
CONDITIONS

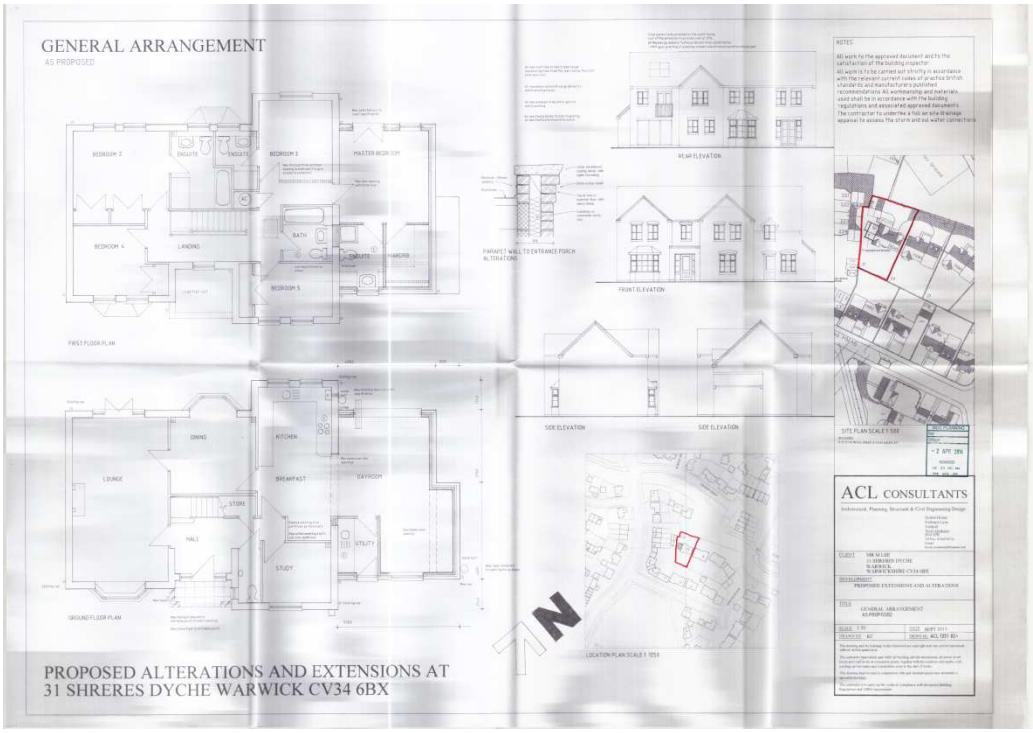
1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

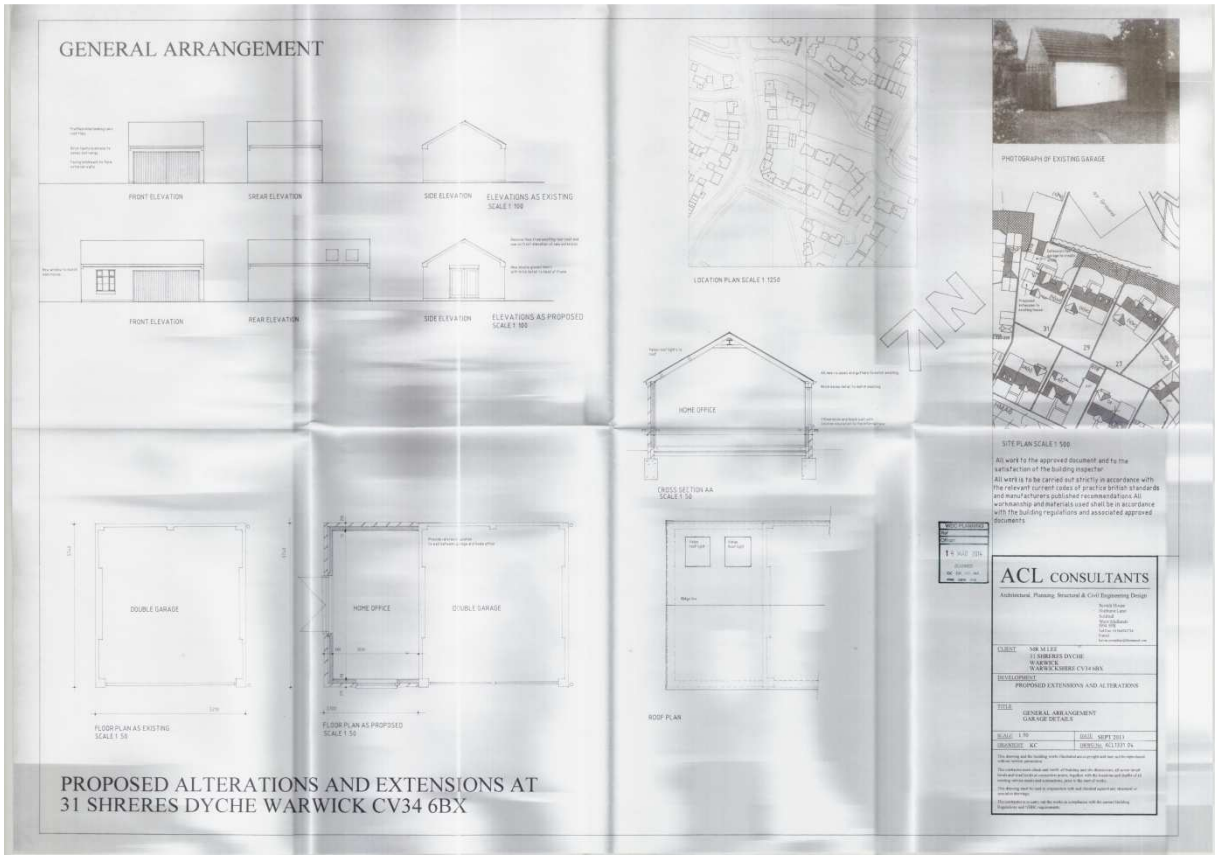
2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings ACL 1331-02A and ACL 1331-04, and specification contained therein, submitted on 2nd April 2014 and 14th March 2014 respectively. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

3 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON :** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.

4 The development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. **REASON** : To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.


GENERAL ARRANGEMENT
BEDROOM 1
ENSUITE
ENSUITE
BEDROOM 2
BEDROOM 3
LANDING
BATH
BEDROOM 4
FIRST FLOOR PLAN
SITE PLAN SCALE 1:500
REAR ELEVATION
FRONT ELEVATION
ELEVATIONS SCALE 1:100
FRONT AND REAR ELEVATIONS
PHOTOGRAPHS AS EXISTING
DINING
KITCHEN
LOUNGE
BREAKFAST
STORE
UTILITY
HALL
STUDY
GROUND FLOOR PLAN
SIDE ELEVATION
SIDE ELEVATION
N
LOCATION PLAN SCALE 1:1250
ACL CONSULTANTS
PROPOSED ALTERATIONS AND EXTENSIONS AT
31 SHRERES DYCHE WARWICK CV34 6BX


GENERAL ARRANGEMENT
AS PROPOSED
NOTES
BEDROOM 2
ENSUITE
ENSUITE
BEDROOM 3
MASTER BEDROOM
BEDROOM 4
LANDING
BATH
ENSUITE
HANGING
BEDROOM 5
FIRST FLOOR PLAN
PARAPET WALL TO ENTRANCE PORCH ALTERATIONS
REAR ELEVATION
FRONT ELEVATION
SITE PLAN SCALE 1:500
DINING
KITCHEN
LOUNGE
BREAKFAST
DAYROOM
STORE
HALL
UTILITY
STUDY
GROUND FLOOR PLAN
SIDE ELEVATION
SIDE ELEVATION
N
LOCATION PLAN SCALE 1:1250
ACL CONSULTANTS
PROPOSED ALTERATIONS AND EXTENSIONS AT
31 SHRERES DYCHE WARWICK CV34 6BX


GENERAL ARRANGEMENT
FRONT ELEVATION
SREAR ELEVATION
SIDE ELEVATION
ELEVATIONS AS EXISTING
SCALE 1:100
FRONT ELEVATION
REAR ELEVATION
SIDE ELEVATION
ELEVATIONS AS PROPOSED
SCALE 1:100
LOCATION PLAN SCALE 1:1250
PHOTOGRAPH OF EXISTING GARAGE
HOME OFFICE
CROSS SECTION AA
SCALE 1:50
SITE PLAN SCALE 1:500
All work to the approved document and to the satisfaction of the building inspector.
All work is to be carried out strictly in accordance with the relevant current codes of practice british standards and manufacturers published recommendations. All workmanship and materials used shall be in accordance with the building regulations and associated approved documents
DOUBLE GARAGE
HOME OFFICE
DOUBLE GARAGE
FLOOR PLAN AS EXISTING
SCALE 1:50
FLOOR PLAN AS PROPOSED
SCALE 1:50
ROOF PLAN
14 AUG 2014
ACL CONSULTANTS
Architectural, Planning, Structural & Civil Engineering Design
CLIENT MR M LEE
31 SHRERES DYCHE
WARWICK
WARWICKSHIRE CV34 6BX
DEVELOPMENT
PROPOSED EXTENSIONS AND ALTERATIONS
TITLE
GENERAL ARRANGEMENT
GARAGE DETAILS
SCALE 1:50
DATE SEPT 2013
DRAWN BY KC
DRWG No 013 T07 P4
PROPOSED ALTERATIONS AND EXTENSIONS AT
31 SHRERES DYCHE WARWICK CV34 6BX

Planning Committee: 27 May 2014 **Item Number:** 15

Application No: W 14 / 0084

Registration Date: 24/03/14
Town/Parish Council: Hatton **Expiry Date:** 19/05/14
Case Officer: Liz Galloway
01926 456528 Liz.galloway@warwickdc.gov.uk

Post Office Cottage, Hatton Green, Hatton, Warwick, CV35 7EX
Construction of traditional brick built garage building to replace original concrete panel garage, and removal of existing unauthorised timber clad garage building
FOR M & Mrs J Langton

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The applicant seeks to erect a detached single storey garage, measuring some 9-.4m by 3.8m, with a height of 3.7m at its highest point to replace previous garage buildings on this part of the site. The proposed structure will sit alongside the southern boundary of the site and will be constructed from brick and small plain roof tiles to match the main property.

THE SITE AND ITS LOCATION

The application relates to a two storey semi-detached Grade II Listed cottage situated on the western side of the Green in Hatton. The site is situated directly opposite the Primary School, on the edge of the village and falls wholly within the Green Belt. The site is not within a Conservation Area and the property benefits from off road parking within the curtilage of the property.

PLANNING HISTORY

In 2012 and 2013 planning permission was refused for the retention of an unauthorised garage building at the site and for subsequently proposed revisions to that building. At that time, an Enforcement Notice was issued requiring the removal of the unauthorised building. Subsequent appeals were also dismissed on the grounds of the impact of the building on the setting of the immediately adjacent Listed Building.

RELEVANT POLICIES

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- National Planning Policy Framework
- The emerging Warwick District Local Plan 2011 - 2029.

SUMMARY OF REPRESENTATIONS

Hatton Parish Council : Object on the following grounds:-

- There is no dropped curb and there has been no precedent for one there.
- The access to the building is on a dangerous bend and the visibility is poor
- The building is out of character.

WCC Highway Authority: Object on the following grounds:-

1. Visibility splays are below standard. The Highway Authority require a distance of 43m with a setback of 2.4m to be achieved in both directions.

2. The Highway Authority require a minimum setback of 7.5m from the near edge of the public highway for gates, this is to ensure that a vehicle can pull clear before entering the Highway Carriage way.

WDC Conservation: No objection.

WCC Ecology: It appears that the existing garage has been removed and that ground works have been carried out already. Care should be taken to ensure that there is no impact on the roots of adjacent trees.

ASSESSMENT

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

- The impact on the Green Belt and the street scene
- The impact on the Listed Building
- The impact on the living conditions of the nearby dwellings
- Highway safety matters

Impact on the Green Belt and the street scene

As part of the Inspector's consideration of the appeals relating to garages of similar sizes to that currently proposed at the site, it was considered that there would be no material impact on the openness of the Green Belt such that the development was considered to be appropriate within the Green Belt and that there was no objection in principle. Whilst the garage building currently proposed at its highest point is some 0.7 metres higher than the previously considered

schemes, it is nevertheless considered that the additional height does not materially increase any impact of the structure on Green Belt openness such that the currently proposed structure is also considered to comprise appropriate development to which there is no objection in principle.

Impact on the Listed Building

The currently proposed garage is considered to respect the setting of the listed building by reason of its scale and the materials used in its constructed. The proposed garage will not be positioned forward of the line of the principal elevation of the main building within the site and although the building will be visible within the street scene, it is considered to be acceptable in design terms.

Impact on the living conditions of nearby dwellings

By reason of the design and positioning of the building, the proposals are not considered to be harmful in this respect.

Highway Safety

The objection from Warwickshire County Council as Highways Authority is noted however as the current proposal is a replacement for previous longstanding garages positioned in this location within the site, it is not considered that within that context, there are sufficient grounds to refuse planning permission in that respect.

SUMMARY/CONCLUSION

In conclusion, it is considered that the proposed detached garage is acceptable in terms of its character and appearance within the street scene and the Green Belt and does not significantly impact on the amenities of surrounding neighbours such as would support a reason for refusal.

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).

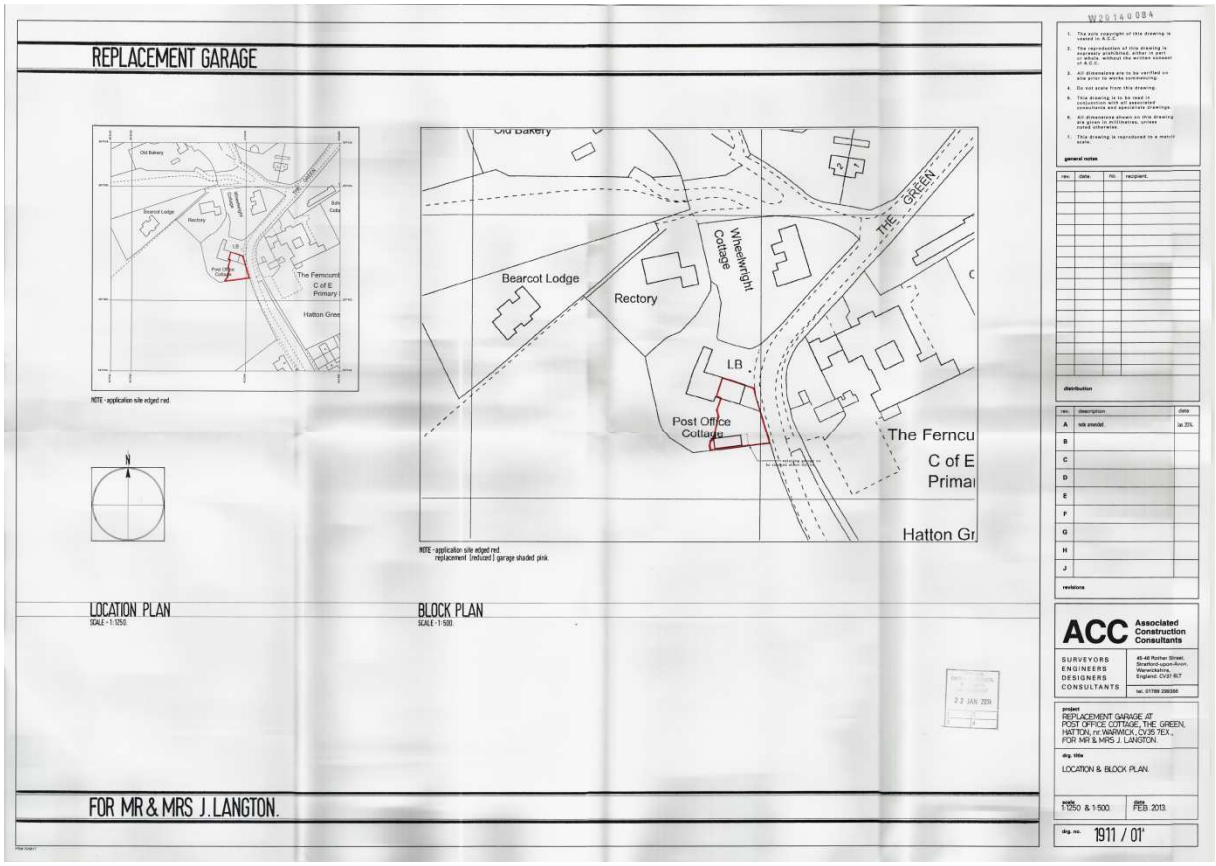
2 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON :** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.

3 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and

approved amended drawings 1911/02C, 1191/03B, and specification contained therein, submitted on 12th May, 2014. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

4 No development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** :To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011.

5 The development shall be carried out only in full accordance with sample details of the bricks and roof tiles which have been submitted to and approved in writing by the local planning authority. **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 DP1 of the Warwick District Local Plan 1996-2011.


REPLACEMENT GARAGE
Old Bakery
Bearcot Lodge
Rectory
Wheelwright Cottage
THE GREEN
LB
Post Office Cottage
The Ferncu
C of E
Prima
Hatton Gr
NOTE - application site edged red.
NOTE - application site edged red.
replacement (reduced) garage shaded pink.
N
LOCATION PLAN
SCALE - 1:1250.
BLOCK PLAN
SCALE - 1:500.
22 JAN 2014
FOR MR & MRS J. LANGTON.
W20140084
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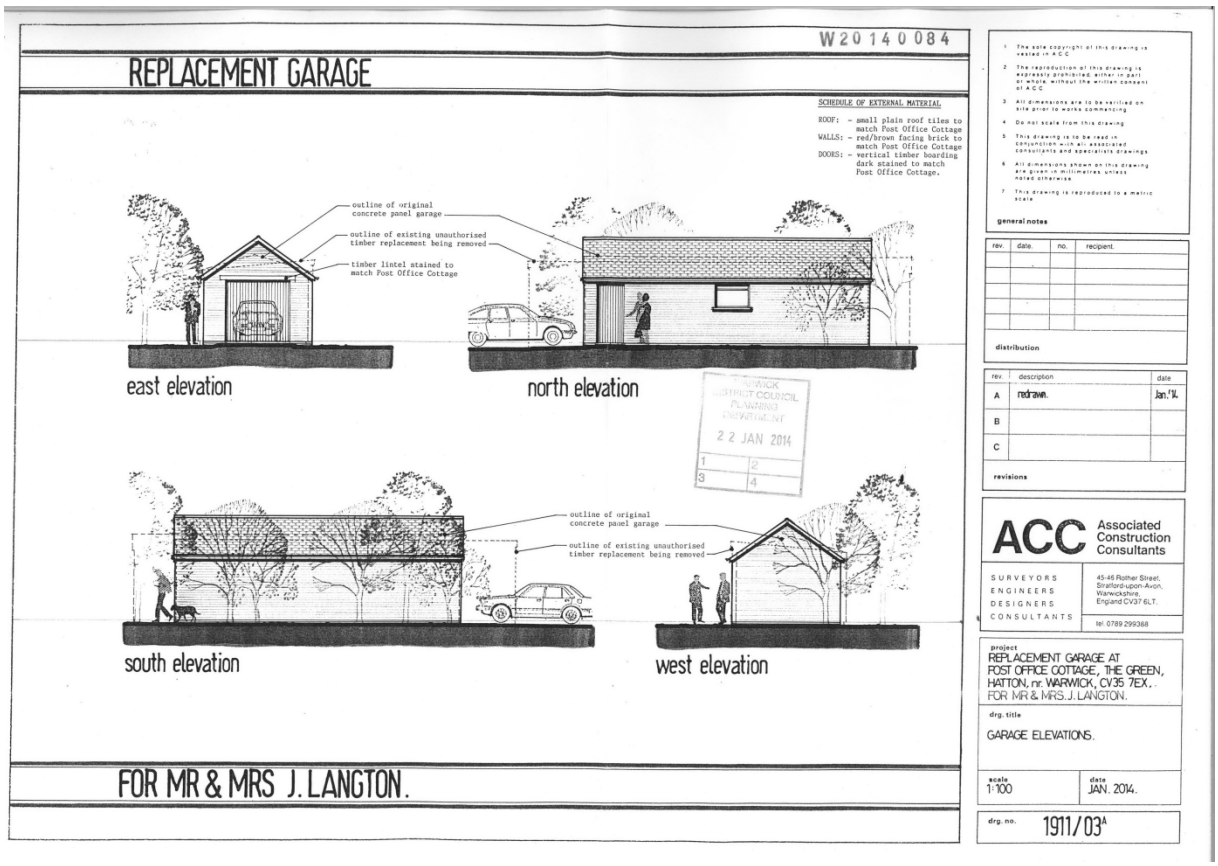
ACC Associated Construction Consultants
SURVEYORS
ENGINEERS
DESIGNERS
CONSULTANTS
45-46 Rother Street, Stratford-upon-Avon, Warwickshire, England. CV37 6LT
tel. 01789 299388
project
REPLACEMENT GARAGE AT POST OFFICE COTTAGE, THE GREEN, HATTON, nr WARWICK, CV35 7EX.
FOR MR & MRS J. LANGTON.
drg. title
LOCATION & BLOCK PLAN.
scale 1:1250 & 1:500.
date FEB. 2013.
drg. no. 1911 / 01


W20140084
REPLACEMENT GARAGE
SCHEDULE OF EXTERNAL MATERIAL
ROOF: - small plain roof tiles to match Post Office Cottage
WALLS: - red/brown facing brick to match Post Office Cottage
DOORS: - vertical timber boarding dark stained to match Post Office Cottage.
outline of original concrete panel garage
outline of existing unauthorised timber replacement being removed
timber lintel stained to match Post Office Cottage
east elevation
north elevation
WARWICK DISTRICT COUNCIL PLANNING DEPARTMENT
22 JAN 2014
outline of original concrete panel garage
outline of existing unauthorised timber replacement being removed
south elevation
west elevation
FOR MR & MRS J. LANGTON.
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general notes
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rev. description date
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revisions
ACC Associated Construction Consultants
SURVEYORS ENGINEERS DESIGNERS CONSULTANTS
45-46 Rother Street, Stratford-upon-Avon, Warwickshire, England CV37 6LT.
tel. 0789 299388
project
REPLACEMENT GARAGE AT POST OFFICE COTTAGE, THE GREEN, HATTON, nr. WARWICK, CV35 7EX.
FOR MR & MRS. J. LANGTON.
drg. title
GARAGE ELEVATIONS.
scale 1:100
date JAN. 2014.
drg. no. 1911/03A

Planning Committee: 27 May 2014 **Item Number:** 16

Application No: W 14 / 0533

Registration Date: 10/04/14
Town/Parish Council: Leamington Spa **Expiry Date:** 05/06/14
Case Officer: Rob Young
01926 456535 rob.young@warwickdc.gov.uk

16 Arlington Avenue, Leamington Spa, CV32 5UD
Demolition of house and garages; construction of 6 flats with ancillary site management office and new garaging; widening of existing access and provision of additional parking spaces; and siting of 26 solar panels on new building and on existing garage roofs FOR Binswood Mansions Trust
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This application is being presented to Committee due to the number of objections received.

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

Planning permission is sought for the demolition of No. 16 Arlington Avenue, a two-storey dwellinghouse, and the erection of a two and three-storey apartment building consisting of six flats (two 1-bedroom units and four 2-bedroom units) and an estate manager's office. The scheme will include a communal garden, cycle store, drying area and bin store.

The application is accompanied by a Design and Access Statement (DAS), Heritage Statement, Sustainable Buildings Statement and Bat Survey.

The DAS states that the objective is to build high quality residential flats in an attractive, well-proportioned building that will complement others on Arlington Avenue. The DAS notes that the street's architectural character is mixed with no strong unifying theme. Binswood Mansions is a relatively undistinguished 1960s/70s style 3-storey block with part rendered/part brick walls and low pitched roofs. The replacement for Parmiter House, on the opposite side of the street, will be a very substantial rendered building, taking some design cues from Norwood House, just to the south, including the use of projecting gables to break up its massing.

The DAS goes on to state that the proposed new build would be of traditional form and proportions but with contemporary touches to keep it from appearing as a pastiche. Projecting gables, bays, balconies and deep (75mm) window and door reveals will reduce massing and create interplay of light and shadow. This will present a balanced, formal frontage to the street to complement the

building's neighbours and add interest to the streetscene. The building line is respected.

The existing garage block to the eastern boundary is to be retained, with one of those garages altered to create a cycle store. Another block of 3 existing garages is to be demolished. Nine new surface parking spaces will be created, together with 2 new garages. A total of 18 off-street spaces will serve the site, including Binswood Mansions.

The proposal will include 8 sq m of solar thermal panels to the main building and 18 solar PV panels on brackets on top of the remaining flat-roofed garage block.

The scheme proposed in the current application differs from the scheme that was refused planning permission in the following respects:

- the revised scheme is for 2 no. 1 bedroom flats and 4 no. 2 bedroom flats, whereas the previous scheme was for 3 no. 1 bedroom flats and 3 no. 2 bedroom flats;
- the revised scheme has 12% less floorspace;
- the bulk of the northern side and north-eastern corner of the building has been reduced;
- the section attached to Binswood Mansions has been changed from 2 garages with an office over to a 2 bedroom maisonette, with the office moving to the second floor of the main new building in place of one of the flats there;
- the frontage parking has been reconfigured;
- with the omission of 2 of the new garages, the overall parking provision has reduced by 2, although surface parking numbers remain unchanged; and
- first and second floor bedroom windows in the rear elevation closest to Coach House Mews have been omitted.

THE SITE AND ITS LOCATION

The application relates to a two storey house and garage court situated on the eastern side of Arlington Avenue, to the north of Binswood Mansions. Binswood Mansions is a three-storey apartment block which is also within the applicant's ownership. The site is within the urban area of Royal Leamington Spa and close to the Town Centre boundary. The application site straddles the boundary of the Leamington Spa Conservation Area, with the southern part of the site (Binswood Mansions and the southern part of the garage court) being situated within the Conservation Area and the northern part of the site (No. 16 Arlington Avenue) falling outside of the Conservation Area. The locality is residential in character.

PLANNING HISTORY

In January 2014, Planning Committee refused planning permission for "Demolition of house and garages; construction of block of 6 flats and new garaging with accommodation over including ancillary site management office, closure of 1 existing access and widening of another with provision of additional parking spaces, siting of 26 solar panels on new building and existing garage roofs" (Ref. W13/1643). The reason for refusal was as follows:

"The proposed development is located within an existing residential area comprising a mix of dwelling types and designs including single storey bungalows and 2 storey dwelling houses immediately adjacent to the site. Part of the site is also located within the Royal Leamington Spa Conservation Area.

That development by reason of its scale, bulk, massing, positioning and design comprises an overbearing and intrusive feature which provides an unsympathetic design solution which is detrimental to the visual and residential amenities and character of the surrounding area and Conservation Area contrary to the National Planning Policy Framework and to policies DP1, DP2 and DAP8 of the Warwick District Local Plan 1996-2011."

RELEVANT POLICIES

- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)
- Open Space (Supplementary Planning Document - June 2009)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Vehicle Parking Standards (Supplementary Planning Document)
- National Planning Policy Framework
- The emerging Warwick District Local Plan 2011 – 2029.

SUMMARY OF REPRESENTATIONS

Town Council: Comments awaited.

Public response: 16 neighbours have objected on the following grounds:

- the amendments have not addressed the previous reason for refusal;
- development is out of character/overdevelopment/overbearing/unoriginal;
- detrimental to the character and appearance of the Conservation Area;
- proposal is garden grabbing/loss of green space and reduces drainage areas;
- object to demolition of family home/loss of family home;
- object to loss of oldest house on road which should be preserved;
- parking issues/traffic chaos/air and noise pollution;
- more rented flats would lead to a transient population upsetting community balance;
- additional noise/disturbance from six flats;
- bats have been witnessed entering the property;
- position of flats and loss of light/privacy; and
- potential for combined construction noise/traffic as redevelopment of Parmiter House is underway.

WCC Highways: Initially objected to the application due to concerns about the width of the new garages. However, following the receipt of amended plans showing the garages increased in size, raise no objection, subject to conditions.

WCC Ecology: No objection, subject to notes relating to bats and nesting birds.

ASSESSMENT

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

- the principle of development;
- the impact on the character and appearance of the Conservation Area;
- the impact on the living conditions of neighbouring dwellings;
- health and well-being;
- car parking and highway safety; and
- the landscape and ecological impact of the proposals.

Principle of development

The proposals would be contrary to Local Plan Policy UAP1 because residential gardens are not considered to be previously developed land. However, the Council is unable to demonstrate a 5 year supply of housing land. Therefore, given that Policy UAP1 is a policy for the supply of housing, paragraph 49 of the NPPF dictates that it should be considered out of date and consequently the test in paragraph 14 of the NPPF should be applied, i.e. whether any adverse impacts of granting permission would "significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole". Therefore, given the pressing need for housing within the District, garden plots such as this are considered to be suitable for development, provided the proposals do not cause unacceptable harm to the living conditions of neighbouring dwellings or the character and appearance of the area and provided that suitable provision can be made for parking.

With regard to the loss of the existing dwelling, this is not listed and does not fall within the Conservation Area and is not of such historic or architectural merit to warrant its retention. The buildings that are to be demolished on the parts of the site that fall within the Conservation Area are flat roofed garages of no historic or architectural merit.

Impact on the character and appearance of the area

The siting of the proposed buildings will respect the existing pattern of development on the eastern side of Arlington Avenue. The overall proportions/height of the buildings are considered to be acceptable and the forward projecting bays will add relief to the principle elevation of the three storey building and will break up the bulk and mass of the building. This section of the street has a number of existing two and three-storey apartment buildings with large footprints and the proposed development will not therefore appear incongruous within the streetscene.

The building design drops to two-storey to create a visual break between the existing three-storey Binswood Mansions building and the proposed three-storey block. The design does not seek to replicate Binswood Mansions and windows and bay features create a strong vertical emphasis.

In order to address the reason for refusal of the previous application, the mass and bulk of the northern end of the building has been reduced. This has involved reducing the length of this part of the building by 3.8m at first floor and by 9.5m at second floor. The amendments have also pulled the rearmost part of the first floor 2m in from the northern boundary. These amendments have significantly reduced the mass and bulk of the northern end of the building and it is considered that this has addressed the reason for refusal of the previous application.

The proposals also include solar panels which will sit in six rows 1.1 metres above the existing garage block roof adjacent to the eastern boundary. Given the existing context of the site the positioning of solar panels on the flat roof garage block is considered to be appropriate, subject to a condition to require details of the colour coating of the metal framework to be submitted for approval. Solar panels are also proposed on the roof of the main building and these are also considered to be appropriate.

Policy DAP8 requires development to preserve or enhance the special architectural and historic interest and appearance of the Conservation Area. Only the garage court falls within the Conservation Area, however Policy DAP8 also expects development to respect the setting of Conservation Areas and important views both in and out of them. As detailed above, the demolition of the existing buildings is considered to be acceptable and the proposed development will assimilate well into the streetscene, preserving the Conservation Area and respecting its setting.

Impact on the living conditions of neighbouring dwellings

The proposals will not infringe a 45-degree sight-line in relation to any of the neighbouring dwellings. Furthermore the separation distances from neighbouring dwellings will comply with the Council's Distance Separation Standards. It is suggested that first and second floor windows to the north elevation are conditioned to be obscure glazed to avoid any overlooking/perception of overlooking to No. 18 Arlington Avenue, set on the opposite side of a vehicular access way. It is also recommended that a condition is imposed to require the first and second floor bathroom windows in the east elevation (facing Coach House Mews) to be obscure glazed.

Solar panels will sit in a metal framework set 1.1 metres above the existing flat roof garage block roof adjacent to the eastern boundary. The panels are set in 800mm from the roof edge and any visual impact to the occupiers of adjoining properties is likely to be minor in nature.

The residential scheme is compatible with other adjoining residential properties and associated noise/comings and goings from this residential development of six apartments would remain appropriate within the context of this residential setting.

The scheme is not therefore considered to result in any significant impact on the living conditions of surrounding properties in terms of light, outlook or privacy.

Health and well-being

Local residents' concerns are noted in terms of the proposed rented flats creating a transient population that will negatively impact upon the existing community. In terms of national policy, Paragraph 50 of the National Planning Policy Framework (NPPF) requires the Council to plan to create inclusive and mixed communities. A mix of house types within a residential area is appropriate and while the Council seeks to avoid concentrations of single house types such as student accommodation/HMOs this scheme proposes self-contained flats. There is no reason to believe that these flats would generate an unacceptably high turnover of tenants/occupiers. Furthermore, there is no evidence to suggest that any such turnover would result in an adverse impact upon the living conditions of surrounding residents, any more than would be the case elsewhere in the town. The development for six self-contained apartments is not therefore considered to result in an unacceptable adverse impact on community cohesion.

Concerns raised by local residents with regard to the construction of the development coinciding with the redevelopment of Parmiter House opposite are not material to the consideration of this application. Nevertheless a condition is suggested to secure a construction method statement to agree parking for site operatives together with details of how the unloading of plant and materials and storage areas will be managed. This will help to reduce the impact of the construction phase of the development on local residents and the free flow of traffic.

Car parking and highway safety

The parking arrangements have been amended to address the concerns of the Highway Authority. The Highway Authority have now raised no objection to the amended proposals.

The proposals will require the demolition of a block of 3 existing garages and the partial demolition of another garage, all of which currently serve Binswood Mansions. However, 7 additional surface parking spaces are proposed on site as well as 2 new garages. It is considered that surface parking spaces are more likely to be used than the existing garages, which are of insufficient width to be counted as parking spaces under the Council's Parking Standards. In contrast, the 2 new garages within the proposed development have been increased in width to enable the Highway Authority to count these as parking spaces against the Council's Parking Standards (these new garages would be significantly wider than the substandard garages that are to be demolished). Consequently, there would be a net increase of 9 usable parking spaces at the site. Furthermore, the proposals include the provision of a covered cycle store.

The Council's Parking Standards require a total of 8 spaces for the proposed flats. As the number of usable parking spaces is proposed to increase to 9, the proposals are considered to be in accordance with the Council's Parking Standards. In view of the comments of the Highway Authority, the proposals are therefore considered to be acceptable in terms of car parking and highway safety.

A condition is suggested to ensure that parking spaces are available prior to occupation and to ensure that garage spaces are retained in perpetuity.

Landscaping and ecology

There is no mature landscaping on site that merits retention and the new development will be subject to a soft landscaping scheme, which can be controlled by condition. A condition is also suggested to ensure that any new hardstanding is permeable or surface water run-off is provided to a porous area within the site.

The County Ecologist notes that no evidence of bats were found in the supporting bat survey and raises no objection to the scheme.

Other matters

The application proposes that solar panels will be used to generate renewable energy in order to meet the Council's 10% requirement. This can be secured through condition.

The applicant has agreed in principle to make a contribution of £4,972 towards the provision or enhancement of public open space. This would meet the requirements of Local Plan Policy SC13. A condition is recommended to deal with this issue.

<u>SUMMARY/CONCLUSION</u>

The design of the development is considered to be appropriate for this location and would preserve the character and appearance of the Conservation Area. Furthermore, the proposals would not harm the living conditions of neighbouring dwellings and would be acceptable in terms of car parking and highway safety. Therefore it is recommended that planning permission is granted.

CONDITIONS

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

2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) ra 182.31, ra 182.32A, ra 182.33, ra 182.34, ra 182.35, ra 182.36A, ra 182.37, ra 182.40, & ra 182.41, and specification contained therein, submitted on 10 April 2014 & 13 May 2014. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

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

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

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

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

4 The development hereby permitted shall not be first occupied unless and until the renewable energy scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturers specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. **REASON** : To ensure that adequate provision is made for the generation of energy from renewable energy resources in

accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

5 The development shall be carried out only in full accordance with sample details of the elevational and roofing materials, which shall have been submitted to and approved in writing by the local planning authority. **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 Policies DP1 and DAP8 of the Warwick District Local Plan 1996-2011.

6 The development hereby permitted shall be carried out in strict accordance with the details of surface and foul water drainage works that shall have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011.

7 The development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing which shall be made of porous materials or provision shall be made to direct run-off 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 apartment building 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 similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2, DP3 and DAP8 of the Warwick District Local Plan 1996-2011.

8 The development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which has been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and 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; and 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. **REASON:** In the interests of highway safety and the amenities of the occupiers of nearby properties, and the free flow of traffic in accordance with Policies DP2, DP6, DP8 & DP9 of the Warwick District Local Plan 1996-2011.

9 Within one month of the installation of the metal louvered bin store doors and metal frame mounts for the solar PV panels these shall have been colour coated in full accordance with details to be submitted to and approved in writing by the local planning authority. Any replacement or modification shall be colour coated to match within one month of being carried out. **REASON:** To ensure that metal-work is colour coated in the interests of the visual amenities of the locality in accordance with Policies DP1 & DAP8 of the Warwick District Local Plan 1996-2011.

10 The development hereby permitted shall not be occupied unless and until the means of vehicular and pedestrian access to the development has been laid out and constructed in accordance with the standard specification of the Highway Authority and the existing access has been closed and the kerb and footway have been reinstated in accordance with the standard specification of the Highway Authority. **REASON:** In the interests of highway safety and the free flow of traffic in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.

11 The development shall not be occupied unless and until the car parking areas, including new garage spaces, and associated manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **REASON:** To ensure that a satisfactory provision of off-street car parking and turning facilities are maintained at all times in the interests of the free flow of traffic and highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011.

12 Prior to the occupation of the development hereby permitted, the following windows 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 first and second floor windows and rooflights to be formed in the north facing elevation; and
- the first and second floor bathroom windows to be formed in the east elevation.

The obscured glazed windows shall be retained and maintained in that condition at all times.

REASON : To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011.

13 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 DP1 of the Warwick District Local Plan 1996-2011.

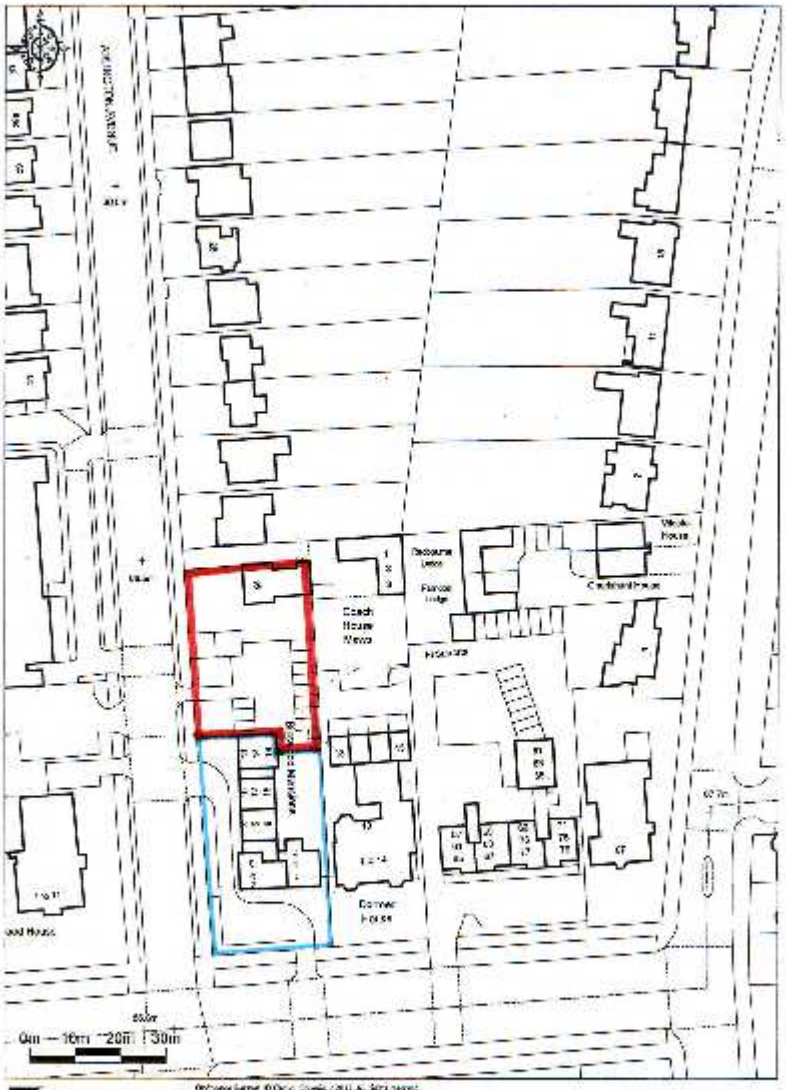
14 None of the dwellings hereby permitted shall be occupied unless:

(a) details of the design and layout of the cycle store have been submitted to and approved in writing by the local planning authority; and
(b) the cycle store has been constructed and laid out in strict accordance with the details approved under (a).

The cycle store shall be retained at all times thereafter unless alternative measures have been approved by the local planning authority.

REASON: In the interests of encouraging the use of alternative modes of transport with the aim of creating a more sustainable development in accordance with Policies SC4 & DP8 of the Warwick District Local Plan 1996-2011.

The Coach House, Arlington Avenue
Leamington



Promap

Proposed external materials:

Walls (ground and first floors.....Red stock brick
except bays to West Elevation)
Walls (second floor and bays.....Coloured render
to West Elevation)
Roofs.....Natural slate
Windows and doors.....Powder coated aluminium set in min.60mm from face of brickwork
Rooflights.....Velux rooflights to be built in as flush as possible with slates
Rainwater goods.....Powder coated aluminium
Handrails and Balustrades.....Powder coated steel handrails
Structural glass balustrades

ra

roger abbott riba . chartered architect

10 cherry street . stratford upon avon . CV37 6DF
tel: 01789 414554 . mob: 07866 522739 . email: roger.abbott@ra-ra.co.uk

16 Arlington Avenue, Leamington Spa
Six new flats proposed for The Binswood Mansions Trust
West Elevation facing Arlington Avenue
Scale 1:100. March 2014. Drawing ra182.38

Planning Committee: 27 May 2014 **Item Number:** 17

Application No: W 14 / 0487

Registration Date: 04/04/14
Town/Parish Council: Bishops Tachbrook **Expiry Date:** 30/05/14
Case Officer: Emma Spandley
01926 456533 emma.spandley@warwickdc.gov.uk

Mid Warwickshire Crematorium, Newbold Road, Bishops Tachbrook, Leamington Spa, CV33 9QL

Erection of a single storey extension to the North Chapel and waiting room; construction of new car park and extension to existing car park. FOR Warwick District Council

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This application is being presented to Committee because the applicant is Warwick District Council.

RECOMMENDATION

Planning Committee are recommended to GRANT planning permission subject to the conditions listed below

DETAILS OF THE DEVELOPMENT

The application proposes the erection of an extension to the north chapel which is located deep within the crematorium site towards the northern boundary. The proposed extension is located on land currently in use as a forecourt to the existing chapel and adjacent waiting room.

The area for the proposed extension is bounded by a wooded area to the north-west access; an access road to the north east and existing ancillary buildings and service yard to the south east.

The construction of the extension will require the removal of part of the existing building and the loss of a number of trees.

The application also proposes the extension of the north car park and the formation of an additional car park adjacent to the south chapel. The extension to the car park is proposed to be located on an adjacent area of grassed land. The southern car park is proposed to be located on the amenity grassland known as the Green within the site.

THE SITE AND ITS LOCATION

The application relates to the Mid-Warwickshire Crematorium, which is situated within open countryside south of the M40. The crematorium is surrounded by an area of woodland that is designated as ancient woodland. The main crematorium building is screened from beyond the site by mature trees.

PLANNING HISTORY

Oakley Wood Crematorium was built in 1971

W/02/0505 - Alterations and extensions to north chapel, granted 20th June 2002

W/06/1455 - Installation of a new flue to biomass boiler, granted 20th November 2006.

RELEVANT POLICIES

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP15 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- National Planning Policy Framework
- Vehicle Parking Standards (Supplementary Planning Document)
- Vehicle Parking Standards (Supplementary Planning Document)
- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011).
- The emerging Warwick District Local Plan 2011 - 2029.

SUMMARY OF REPRESENTATIONS

Highways (WCC) - No objection

Natural England - No objection

Ecology (WCC) - No objection subject to conditions

ASSESSMENT

The main considerations in the assessment of the proposed development are:-

- The principle of the extensions to the building and the new car parking areas;
- The design of the proposed extensions and impact on the character of the area;
- The impact on trees within the site;
- The impact on Ecological issues;
- The impact on Highway safety.

Principle

At the heart of the NPPF is a presumption in favour of sustainable development and where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies within the NPPF.

The Crematorium is located not within the Green Belt but within open countryside. As a matter of principle, the NPPF does not restrict extensions, buildings or engineering operations within the open countryside. Therefore the principle of the development is considered to be acceptable subject to any other material planning considerations.

Design

The proposed extension will use an alternative palette of materials to that of the existing 1970's building. It will have a simple flat roofed element which will reflect the modernist style of the existing buildings and will be timber clad externally to reflect the woodland setting of the site.

It is considered that the proposals including the additional car parking will integrate well within the site and will not appear as incongruous additions and are in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011 and the NPPF.

Trees

The wider site is extensively treed and whilst the proposals will result in the loss of a number of trees to which the Council's Tree Officer has no objection, within that wider context, there is considered to be no material impact on the bosky character of the site.

Ecology

Paragraph 99 of Circular 06/2005 *Biodiversity and Geological Conservation – Statutory Obligations and their impact within the Planning System* advises that it is essential that the presence or otherwise of protected species, and the extent to which they might be affected by the proposed development, is established *before* planning permission is granted, otherwise all relevant material considerations will not have been addressed in making the decision. Circular 06/2005 advises that the need to ensure that ecological surveys are carried out should only be left to conditions in exceptional circumstances.

The site is surrounded by Oakley Woodland Local Wildlife Site (LWS), part of which comprises ancient replanted woodland. The site also forms Ecosite 17/35. The development will involve ground clearance works to facilitate the proposed works such that the main ecological concerns relate to the removal of trees and the potential ecological impact on the surrounding areas of woodland.

A Bat survey has been submitted which states that the North chapel is considered to have only one feature suitable for bats. It appears unlikely that the extension works to the North Chapel will have any impact on bats however a condition relating to the supervision of the works is proposed to be attached to any grant of planning permission.

As part of the works there will be a potential impact on the habitats and biodiversity within the site which is contrary to the NPPF, however it is considered that this can be appropriately managed by means of the use of a suitably worded condition requiring appropriate mitigation measures to increase biodiversity value through woodland management, incorporating habitat enhancement or creation.

It is considered that subject to the conditions listed at the end of this report the proposals are in accordance with Policy DP3 of the Warwick District Local Plan 1996-2013 and the aims and objectives of the NPPF.

Highway Safety

Policy DP7 of the Warwick District Local Plan 1996 - 2011 states that development will not be permitted which generates significant road traffic movements unless practicable and effective measures are taken to avoid adverse impact from traffic generation.

The proposed extensions to the car parks are intended to accommodate existing demand at the site. The planning statement sets out that funeral services often run over capacity leading to vehicles parking in non-designated areas within the site.

It is considered the proposals will largely cater for existing vehicle trips and is unlikely to result in a significant intensification of vehicle movements already associated with the site and is in accordance with Policy DP7

SUMMARY/CONCLUSION

The application proposes a modest extension on an existing building and the additional car parking is proposed to meet existing demand within the site. Whilst there will be some net loss to biodiversity, it is considered that the conditions proposed will ensure that an appropriate enhanced level of biodiversity will be provided across the wider site.

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

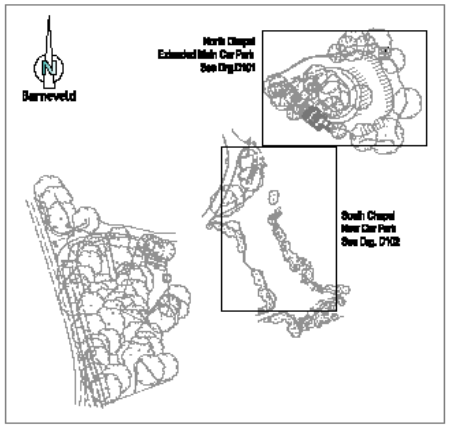
accordance with the details shown on the site location plan and approved drawings 13521cv-01; 11770cv -01; 11770cv-02; MB30049-D121, 3030-11; 3030-20 Rev A; MB30049-D102 Rev A; MB30049-D101 Rev C and specification contained therein, submitted on 4th April 2014. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

3 A detailed Woodland Management Plan for Oakley Wood Crematorium and landscaping scheme shall be submitted and agreed in writing within 6 months of the approval being granted. The scheme must include all aspects, including details of any habitat creation or enhancement, species to be planted, timing of works, programme of implementation and monitoring if deemed necessary. The scheme shall thereafter be carried out in accordance with the approved details. **Reason:** To protect/enhance the ecological character of the are in accordance with NPPF, and ODPM Circular 2005/06

4 The development hereby permitted shall not commence unless and until a qualified ecologist has been appointed by the applicant to inspect the vegetation to be cleared and check bird boxes to be relocated on site for evidence of nesting birds and bats immediately prior to works. If evidence of nesting birds is found works may not proceed in that area until outside of the nesting bird season (March - September inclusive) or until after the young have fledged, as advised by ecologist. Should evidence of bats be found during this operation, then work must cease immediately while Natural England and WCC Ecological Services are consulted for further advice **REASON:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-2011.

5 No development or other operations (including demolition, site clearance or other preparatory works) shall be commenced unless and until adequate steps, which shall have been previously approved in writing by the local planning authority, have been taken to safeguard against damage or injury during construction works (in accordance with Clause 7 of British Standard BS5837 – 2012 Trees in Relation to Design, Demolition & Construction) to all tree(s) on the site, or those tree(s) whose root structure may extend within the site. In particular no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area,or any other works be carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure

and no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **REASON:** To protect those trees which are of significant amenity value to the area and which would provide an enhanced standard of appearance to the development in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.



Oakley Wood Crematorium - Key Plan

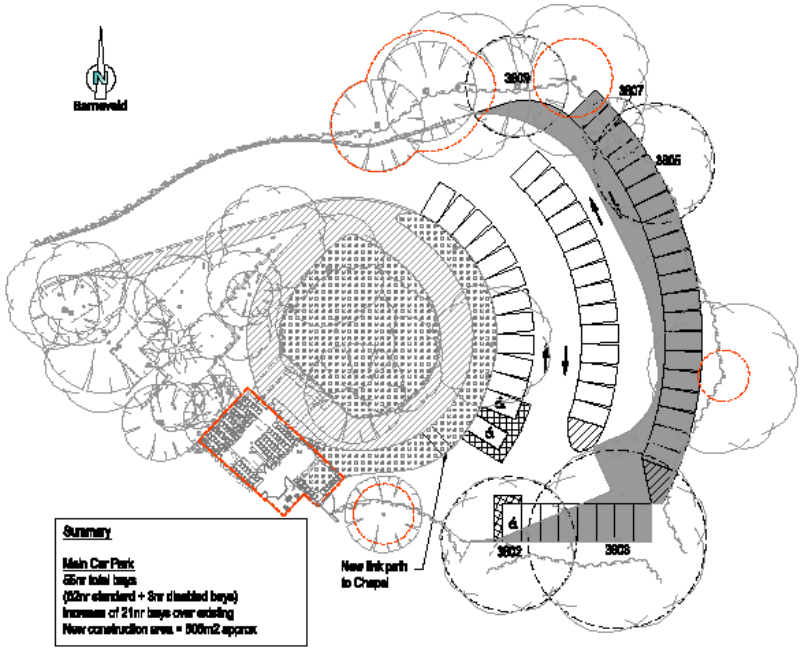
Scale 1:2500

LEGEND

- Existing soft landscaping
- Existing Funeral Director vehicle circulation and lay-by areas
- Proposed chevron marking or similar
- Extent of new parking construction
- Proposed 2.4m x 4.8m parking bay
- Proposed 3.6m x 6.0m disabled parking bay
- Direction of traffic flow
- 3608 — Existing tree to be removed with tree reference
- Indicative extent of tree root protection zone (reference only)

Building Close to Existing Trees

Reference shall be made to Arboricultural Inspection Report by Worcestershire County Council dated 10 April 2013 for root protection zones to trees where applicable. Where construction is required over tree root systems, a no-dig construction method shall be adopted such as cell-web or similar approved. In any case, construction shall maintain a minimum clearance of far from tree trunk. All construction shall be to the approval of the County Tree Officer



Summary

Main Car Park
65nr total bays
(62nr standard + 3nr disabled bays)
Increase of 21nr bays over existing
New construction area = 500m2 approx

Summary - Existing

Total 34nr standard bays

Extended North Chapel Main Car Park - Proposed Layout

Scale 1:200

Health and Safety Note

The details on this drawing have been prepared on the assumption that a competent contractor will be carrying out the works. If the contractor(s) considers that there is insufficient Health and Safety information on this drawing, this should immediately be brought to the attention of the designer.

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Rev.	Date	Amendment	By	Chk.
C	25.03.14	Root Protection Areas added	MZS	KT
B	25.03.14	Trees to be removed references added	AJ	KT
A	10.03.14	Proposed extension to chapel shown	AJ	KT

Status: **Planning**

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Tel: 01926 [illegible]
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Client: Kier Construction

Job: Oakley Wood Crematorium
Car Parking Extension

Title: Main Car Park - Proposed Extension
North Chapel

Scale: 1:200 @ A1 | Date: Mar 2014

Drawn By: MZS | Eng. Check: | Tech. Check:

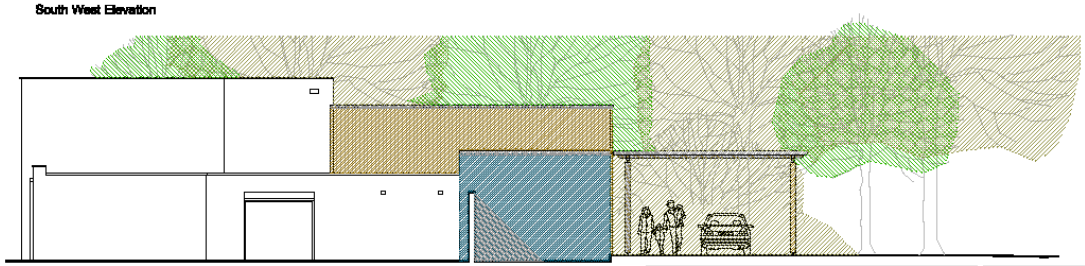
Drawing No. MB30049-D101 | Rev. C

Item 17/ Page 7

North East Elevation

North West Elevation

South West Elevation



South East Elevation

metres
0 1 2 3 4 6 8 10

Layout based on Survey Solutions drawings 11770cv-02A and 13525cv-01 - all dimensions to and levels to be confirmed on site before construction.

Robotham Architects
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architects@robothams.co.uk
www.robothams.co.uk

robothams

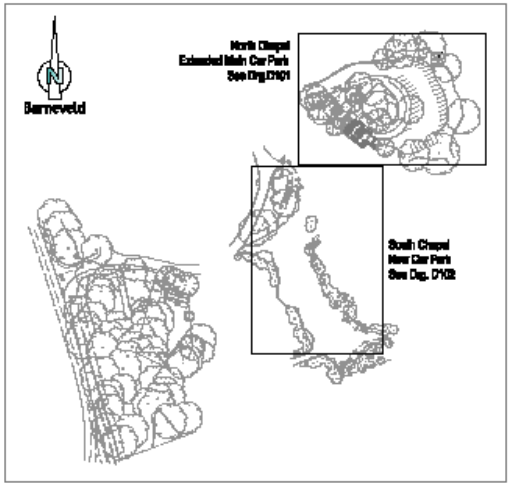
PROJECT TITLE

NORTH CHAPEL EXTENSION
OAKLEY WOOD CREMATORIUM
LEAMINGTON SPA

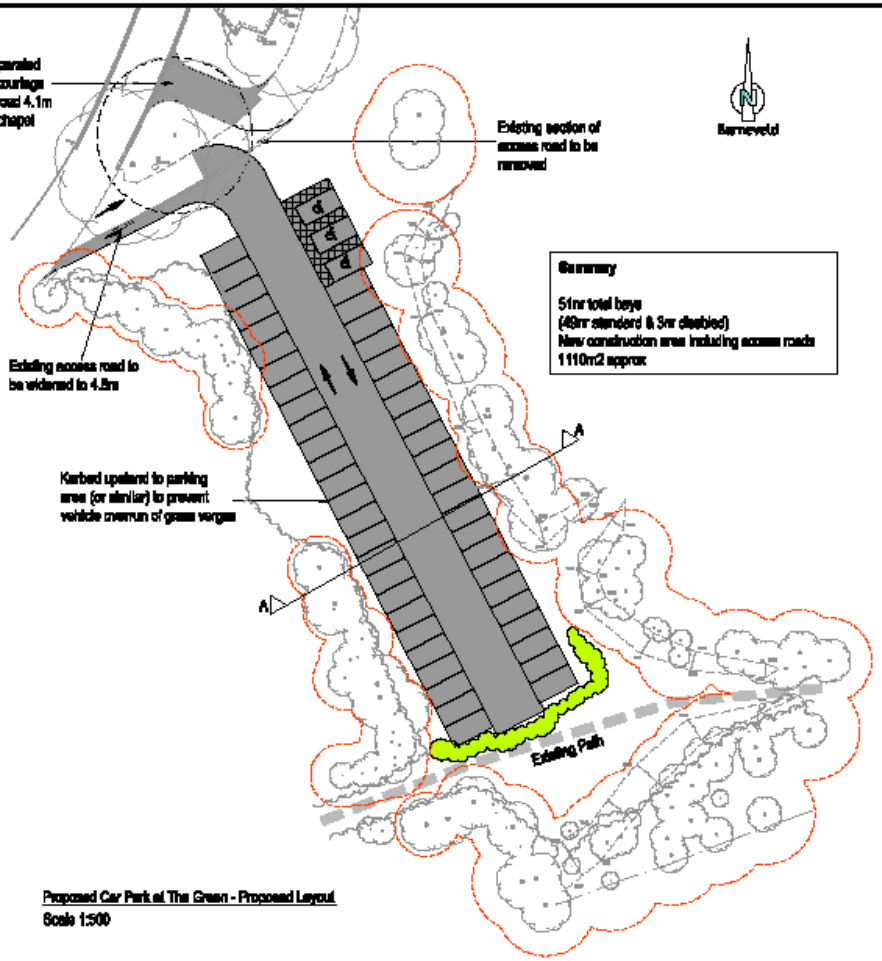
DRAWING TITLE

PROPOSED ELEVATIONS

STATUS	PLANNING		
SCALE 1:100	SHEET SIZE A2	DRAWN	AEB
DATE 21.02.14		CHECKED	AF
DWG NO. 3030-21		REVISION	



Oakley Wood Crematorium - Key Plan
Scale 1:2500



Summary

51nr total bays
(48nr standard & 3nr disabled)
New construction area including access roads
1110m2 approx

Proposed Car Park at The Green - Proposed Layout
Scale 1:500

Health and Safety Note
The details on this drawing have been prepared on the assumption that a competent contractor will be carrying out the works. If the contractor(s) considers that there is insufficient Health and Safety information on this drawing, this should immediately be brought to the attention of the designer.

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LEGEND

- Extent of new parking construction
- Proposed 2.4m x 4.8m parking bay
- Proposed 3.6m x 6.0m disabled parking bay
- Direction of traffic flow
- Proposed screen planting or shelter
- Existing tree to be removed
- Indicative extent of tree root protection zone (reference only)

Building Close to Existing Trees

Reference shall be made to Arboricultural Inspection Report by Warwickshire County Council dated 10 April 2013 for root protection zones to trees where applicable. Where construction is required over tree root systems, a no-dig construction method shall be adopted such as cell-web or shelter approved. In any case, construction shall maintain a minimum clearance of 1m from tree trunk. All construction shall be to the approval of the County Tree Officer

Section A-A
Scale 1:250

Key
- Existing ground profile
- Car park formation
- Organic sandy gravelly clay with decaying wood
- Indicate proposed road formation

Rev.	Date	Amendment	By	Chk.
A	28.03.14	Tree root protection zones added. Section A-A added.	AJ	KT

Status: **Planning**

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Client: Kier Construction

Job: Oakley Wood Crematorium
Car Parking Extension

Title: Proposed Car Park at The Green
South Chapel

Scale 1:500 @ A1 | Date Mar 2014

Drawn By MSI | Eng. Check | Tech. Check

Drawing No. MB30049-D102 | Rev. A

Planning Committee: 27 May 2014 **Item Number:** 18

Application No: W 14 / 0398

Registration Date: 21/03/14
Town/Parish Council: Rowington **Expiry Date:** 16/05/14
Case Officer: Emma Spandley
01926 456533 emma.spandley@warwickdc.gov.uk

Sandall House Farm, Narrow Lane, Lowsonford, Solihull, B95 5HN
Construction of Manege FOR Ms Saber

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

RECOMMENDATION

Planning Committee are recommended to GRANT planning permission subject to the conditions listed below.

DETAILS OF THE DEVELOPMENT

The application proposes the construction of an external manege of dimensions 65 metres x 35 metres, surfaced with a sand and rubber compound and enclosed by a 1.5 metre high post and rail fence. The application is supported by a planning statement and a flood risk assessment and the manege will include a modular soakaway.

This application is a resubmission of a previous application W/13/1131 and differs from the previous submission as follows:-

- It will be located further away from Kingswood Brook;
- There is not proposed to be any loss of trees or shrubs;
- It is located closer to the equestrian buildings forming the core of the site, and
- It is located further away from the public footpath running through the site.

THE SITE AND ITS LOCATION

The application site is located on the northern side of Narrow Lane, between Santan Farm and Sanbrook Farm, within the open countryside, Green Belt and Arden Ancient Landscape Area. It comprises a substantial equestrian establishment with a range of buildings of various ages and designs.

The proposed site of the manege lies in a field to the immediate east of the core of the site, adjacent to an existing hard standing which was granted permission on appeal in 2013 and is approximately 17 metres from the existing stables. The site is located within Flood Zone 3 where there is the greatest risk of flooding.

PLANNING HISTORY

Between 1985 to 2007 the land and buildings were used as a show jumping training facility along with the training of race horses, and the keeping of livestock. Several applications were submitted during this time to improve the equestrian facilities on site. It is understood that the land stabled around 34 horses; however by virtue of planning permission for an additional stable block in 2005 (application W/05/0831) the capacity of the yard for stabling of horses grew to 48. In 2007 the land was sold to the applicant who runs the site for the schooling, training and starting yard for horses.

The most recent/relevant applications are identified below:

- W/08/1679 - New stable block, new access, farm drive and bridge (retrospective), construction of external staircase to grooms accommodation and enlargement of domestic curtilage. This permission allowed for the reduction of the lawful capacity of horses stabled at the farm to 44: Granted 2nd April 2009.
- W/10/0034 - Construction of horse exercise pen: Granted 21st March 2012.
- W/10/0035 - Variation/ deletion of conditions on exercise track
- W/12/0448 – Construction of new drives: Granted 13th June 2012.
- W/12/0901 - Variation of condition 2 imposed on planning permission W98/1384 (construction of exercise track) principally to vary the hours of use. Granted 6th September 2012.
- W/13/1131 - Demolition of existing stable, erection of mixed-use stable and agricultural store, construction of manege including 1.5 metre high post and rail fencing and construction of new hardstanding (retrospective): Refused 6th January 2014. This application was the subject of an appeal during which the manege was removed from the proposal. The appeal was allowed (without the manege) and planning permission was granted for demolition of existing stable, erection of mixed-use stable and agricultural store, and new hard standing on 30th April 2014.

RELEVANT POLICIES

- National Planning Policy Framework
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- The emerging Warwick District Local Plan 2011 - 2029.

SUMMARY OF REPRESENTATIONS

Rowington Parish Council - Objection on the grounds of inappropriate development within the Green Belt and Arden Landscape Area and the absence of very special circumstances; there being no requirement for the proposals which extend the core developed area of the site into open countryside and increase the visual impact of the site area from the highway; the location of the proposed development within Flood Zone 3 where no development should take place unless it is water compatible. Further, Policy FW1 of the emerging Local Plan states that development should be directed away from areas of flood risk. Issues relating to non compliance with the requirements of a previous planning permission were also raised.

Highways (WCC) - No objection

Ecology (WCC) - No objection

Enviornment Agency - No objection

National Grid - No objection.

ASSESSMENT

The main issues in the consideration of this proposal are whether it comprises appropriate development in the Green Belt; the impact on the openness and character of the countryside and Green Belt; whether it causes an unacceptable flood risk and whether ecological concerns are a constraint to development.

Issue 1 Green Belt; Openness and Rural Character

Paragraph 79 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts being their openness and their permanence. Paragraph 90 includes a list of types of development which are not considered to be inappropriate within the Green Belt provided that they preserve openness and do not conflict with the purposes of including land in the Green Belt and which includes development comprising engineering operations.

The proposed construction of the manege the subject of this application is considered to comprise an engineering operation which by its nature is not considered to materially impact upon openness or the purpose of including land within the Green Belt and as such is considered to be appropriate development. Whilst the proposal extends over a substantial area of the site, the re siting relative to the earlier proposal closer to the core of existing buildings and adjacent to the exiting access way is considered to contribute to the retention of the compact nature of the cluster of activities within the site such that there is not considered to be any material impact upon character and openness to the extent that a refusal of planning permission could be sustained.

Issue 2 Flood Risk

The Environment Agency consider the proposed development to be "water compatible" development because it will lie flush to the existing ground levels and will not take up floodplain storage. They therefore raise no objections to the proposed manege.

Issue 3 Ecological constraints

In connection with the earlier proposal, ecological issues were raised with regard to the construction of the manege due to a net loss of trees and shrub vegetation and the encroachment on the riverside wildlife buffer. The amended proposal has addressed some of these matters. The outstanding issue concerning the need for care to protect reptiles and badgers during construction activities are to be addressed by means of appropriate notes attached to any grant of approval.

Other matters

A public footpath runs along the western boundary of the site and is located over 50 metres away from the proposed location of the manege.

A gas mains pipeline is located to the east of the site, outside the red line site. It runs under part of Sandbrook Farm and therefore will not have an impact on the siting of the manege.

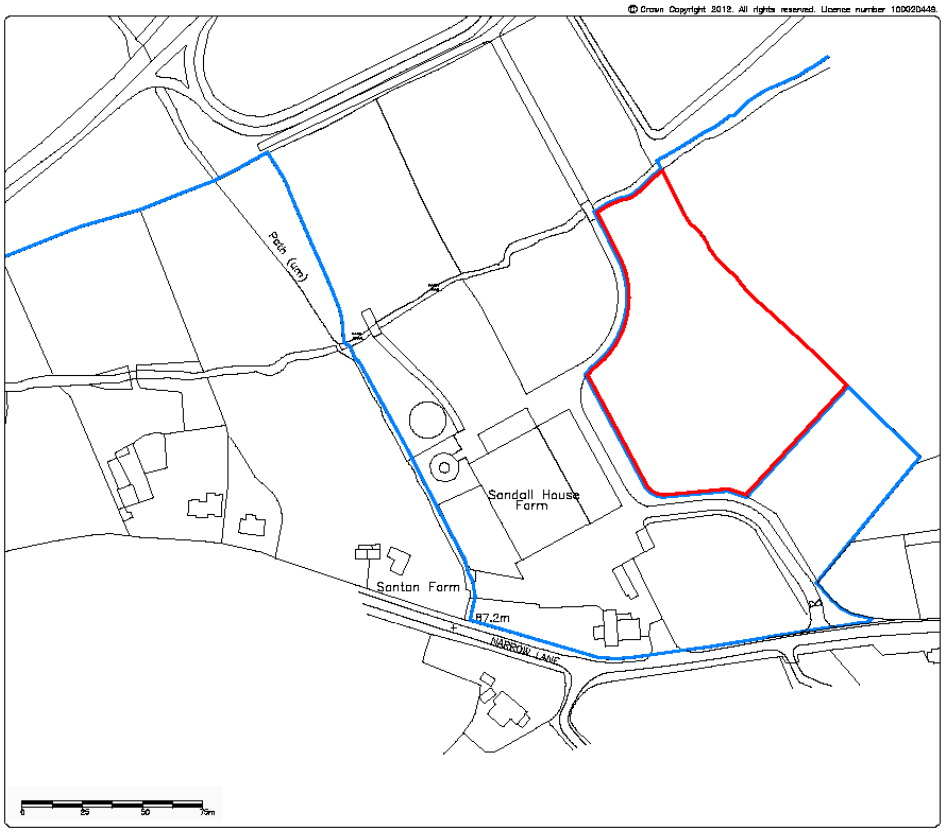
SUMMARY/CONCLUSION

This revised proposal is considered to comprise appropriate development within the Green Belt and is considered to be acceptable in terms of any effect on the character and openness of the countryside and Green Belt. There are no material flooding or ecological issues sufficient to justify the refusal of planning permission and it is considered the proposed is in accordance with the aforementioned policies.

CONDITIONS

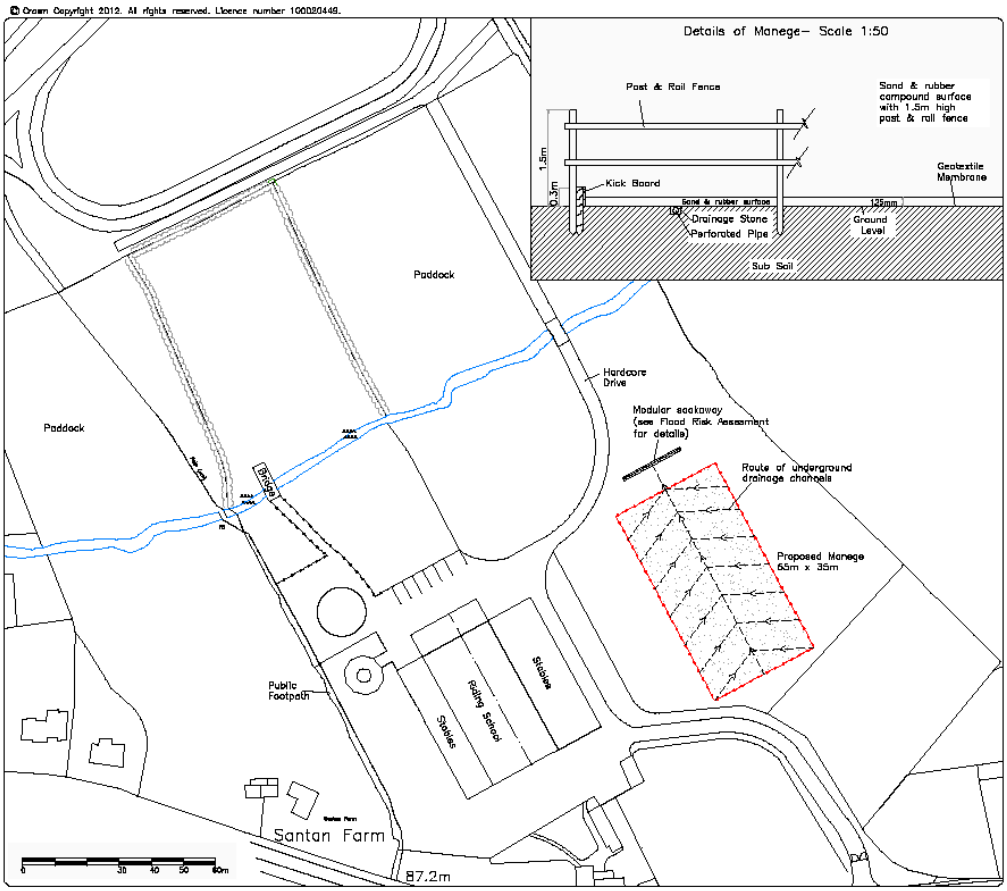
1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 5407 -207 Rev B; 5407-110 Rev E and 5407-110 Rev G, and specification contained therein, submitted on 20th March 2014. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.



Drawing	Location Plan
Project	Sandall House Farm Narrow Lane Lowsonford
Client	Ms Denise Saber
Drawing No	5407–110 Rev E
Scale	1:1250 @ A3
Date	January 2014

stansgate
PLANNING
9 The Courtyard, Timothy's Bridge Road
Stratford upon Avon CV37 9NP
Tel: 01789 414087
Fax: 01789 414605
E–mail: mail@stansgate.co.uk



Drawing	Proposed Block Plan
Project	Sandall House Farm Narrow Lane Lowsonford
Client	Ms Denise Saber
Drawing No	5407–211 Rev G
Scale	1:1000 @ A3
Date	January 2014

stansgate
PLANNING
9 The Courtyard, Timothy's Bridge Road
Stratford upon Avon CV37 9NP
Tel: 01789 414087
Fax: 01789 414605
E-mail: mail@stansgate.co.uk

Planning Committee: 27 May 2014 **Item Number:** 19

Application No: W 14 / 0005

Registration Date: 05/03/14
Town/Parish Council: Offchurch **Expiry Date:** 30/04/14
Case Officer: Emma Spandley
01926 456533 emma.spandley@warwickdc.gov.uk

Bury Lodge, Offchurch Bury, Offchurch Lane, Offchurch, Leamington Spa
Closure of existing access and construction of new access road to serve Bury Lodge and adjacent land. FOR Mr Harry Johnson

---

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

RECOMMENDATION

Planning Committee are recommended to GRANT planning permission subject to the conditions listed below.

DETAILS OF THE DEVELOPMENT

The application proposes to close the existing access which serves Bury Lodge and the Farmland to the north. The owner of the site has farmland both north and south of Offchurch Lane which serves Bury Lodge and the surrounding land, therefore the new access will serve as an agricultural use but also an access way to Bury Lodge.

The access will be located approximately 46 metres from the existing access which is located close to the Canal bridge and restricts visibility. The proposed access will travel through woodland.

In support of the application a construction method statement has been submitted to minimise the impact on root protection zones.

THE SITE AND ITS LOCATION

Bury Lodge is located close to Offchurch Road and has an access way located to the west of the lodge. The current access way serves the farmland to the rear and Bury Lodge.

PLANNING HISTORY

There are no relevant planning applications relevant to the current application

RELEVANT POLICIES

- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- National Planning Policy Framework

SUMMARY OF REPRESENTATIONS

Eathorpe, Hunningham, Offchurch & Wappenbury Joint Parish Council - Objection

Inland Waterways Association - no objection

Highways (WCC) - No objection

Ecology (WCC) - No objection

Public Response - The tenant at Bury Lodge has written in support of the application

ASSESSMENT

The main issues in this application are:-

- whether the proposal is inappropriate development within the Green Belt;
- the impact on highways; and
- the effect on ecology.

Whether the proposal is in appropriate development within the Green Belt

The NPPF states that inappropriate development is unacceptable in the Green Belt and should not be approved except in very special circumstances. The NPPF advises that development in the Green Belt should be regarded as inappropriate unless it falls within one of the identified exceptions listed within it at paragraphs 89 and 90.

Engineering operations are one such exception, provided that it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. These purposes include preventing urban sprawl and keeping land permanently open.

The area of hard standing will be 2.2 metres in width increasing to 3.2 metres at the access points, approximatley 47 metres in length. The application form states the track way will be constructed from tarmac, however, this is not considered to be a suitable surfacing material in this rural location.

A more suitable surface material can be obtained by a suitably worded condition and it is considered that this will make the track way visually acceptable within the Green Belt.

The access track will be used for agriculture and serve access to Bury Lodge it will not reduce the openness of the Green Belt to any significant degree to constitute inappropriate development within the Green Belt.

Impact on Highways

Policy DP6 of the Warwick District Local Plan 1996-2011 states development will only be permitted which provides safe access routes and do not cause harm to highway safety.

The Parish Councils comments are noted, however, Offchurch Lane is subject to a 50mph speed limit, where visibility of 2.4m x 160m is required in both directions. The existing access is substantially below this standard. The Highway Authority consider the proposed access further along Offchurch Lane will be a betterment. Accident

statistics within the last 3 years shows that there has been a slight accident in connection with the existing access due to the lack of visibility in the southern direction.

It is considered that the proposed access is in accordance with Warwick District Local Plan 1996 - 2011 policy DP6.

Impact on ecology

A ecological survey was submitted at the request of Ecology. The ecological survey identified all habitats on site and potential for protected species to be found. It was noted that plantation trees in the path of the proposed new access road had already been removed however, they were not protected trees and did not require formal consent.

As the proposed road will only impact a small area of land it is not anticipated that the proposals will cause a significant impact to protected species or suitable habitat for these. If works are not carried out within two years updated surveys may be recommended.

It is considered that subject to the conditions listed the proposals is in accordance with Policy DP3 of the Warwick District Local Plan 1996-2013 and the aims and objectives of the NPPF 2012.

SUMMARY/CONCLUSION

The proposed new access will be a betterment to the existing access and therefore will be an improvement to Highway Safety. The construction of an access track in this location close to the tree belt and constructed out of more suitable materials is not considered to be inappropriate development within the Green Belt. The proposals are in accordance with the aforementioned policies.

CONDITIONS

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

2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing P839/102 & P839/111 dated 3rd January 2014 and details contained within the Tree Planning Management report and subsequent root protection drawings 001 Rev C, 002 Rev A and 004 Rev A and specification contained therein, submitted on 3rd January 2014. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

3 The development hereby approved shall not be used until an access for vehicles has been provided to the site not less than 5 metres in width for a distance of 7.5 metres as measured from the edge of the public

highway carriageway. **Reason**: In the interests of highway safety and the free flow of traffic in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.

4 The development hereby approved shall not be used until it has been surfaced with a suitable bound material for a distance of 7.5 metres as measured from the near edge of the public highway carriageway. **Reason**: In the interests of highway safety and the free flow of traffic in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.

5 The access hereby approved shall not be used unless a public highway verge crossing has been laid out and constructed in accordance with the standard specification of the Highway. **Reason**: In the interests of highway safety and the free flow of traffic in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.

6 The development hereby permitted shall not be used until visibility splays have been provided to the vehicular access to the site with an 'x' distance of 2.4 metres and 'y' distance of 101 metres in the southern direction and an 'x' distance of 2.4 metres and a 'y' distance of 120 metres in the northern direction to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.9 metres above the level of the public highway. **Reason**: In the interests of highway safety and the free flow of traffic in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.

7 The means of vehicular and pedestrian access hereby permitted shall be from the position identified on approved drawing No. P839/102 only. All other vehicular and pedestrian access to the development shall be stopped up within one month of the first use of the new access in strict accordance with details to be submitted to and approved in writing by the local planning authority. **REASON:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.

8 Notwithstanding the details of the surface materials contained within the application form, sample details of an alternative surface material for the access track is required to be submitted to and approved in writing by the local planning authority. **Reason:** The site is located within the Green Belt where development within the Green Belt is required to have unacceptable impact on the openness of the Green Belt in accordance with the aims and objectives of the NPPF 2012.

Planning Committee: 27 May 2014 **Item Number:** 20

Application No: W 14 / 0537

Registration Date: 14/04/14
Town/Parish Council: Kenilworth **Expiry Date:** 09/06/14
Case Officer: Emma Spandley
01926 456533 emma.spandley@warwickdc.gov.uk

Crackley Hall School, Coventry Road, Kenilworth, CV8 2FT
Installation of a new vehicle access and car parking area / playground. FOR The Princethorpe Foundation

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

RECOMMENDATION

Planning Committee are recommended to GRANT planning permission subject to the conditions listed below

DETAILS OF THE DEVELOPMENT

The application proposes to provide a car parking area on part of the existing playground to the north east part of the site immediately adjacent to the residential properties located in Fennyland Lane along the eastern boundary with the school.

The application is supported by a Design and Access Statement which states currently there are 25 car parking spaces within the school grounds and a further 8 in a small car park on Fennyland Lane opposite the school.

The Design and Access Statement also states that due to the congestion which occurs at the peak times (dropping off and collecting) causes delays to local residents and inconsiderate parking. The aim of the proposal is to improve access arrangements in order to reduce congestion at peak times. The proposed car park will provide an additional 22 car parking spaces and will only be used at the peak times. When not being used for a car park the site will be utilised as a playground for the school.

THE SITE AND ITS LOCATION

Crackley Hall School is located off Littleton Close which is a predominantly residential area. There is a car parking area to the front of the existing school building with play areas to the east. Immediately adjacent the eastern boundary of the school are residential properties located within Fennyland Lane.

PLANNING HISTORY

There are a number of applications relating to the site however, there are none which are relevant in the determination of this application.

RELEVANT POLICIES

- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)

- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
- DAP10 - Control of Advertisement Hoardings (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- Draft Local Plan 2014

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council - COMMENTED that they sought reassurance in relation to the safety of manoeuvrability, and hoped that a proper safety audit had been carried out in relation to the movement of children and vehicles.

Ecology (WCC) - No objections

Highways - No objections

Public Responses - objections on the grounds of congestion problems at peak times; restricting access to the properties on Fennyland Lane for emergency vehicles; noise and disturbance to the properties located immediately adjacent to the proposed site.

ASSESSMENT

The main issues in this application are:-

- the impact on highways
- the impact on the amenity of neighbouring residents; and
- the effect on ecology.

The impact on Highways

Policy DP6 of the Warwick District Local Plan 1996-2011 states development will only be permitted which provides safe access routes which do not cause harm to highway safety.

The Highway Authority does not object to the principle of the proposed development. The level of visibility from the proposed access is acceptable and as there are no plans to increase the student numbers in association with this application the Highway Authority considers that the proposed development may assist in better managing pick-up and drop-off of pupils during the peak school times. It is noted that several residents have raised concerns about the proposals leading to congestion along Fennyland Lane. There are currently no restrictions on Fennyland Lane that would prevent pick-up and drop-off during the existing peak school times and the Highway Authority therefore considers that what is proposed has the potential to alleviate on-street parking issues. The creation of the new access will not extinguish a significant amount of on-street parking currently available for use by residents. Although the imposition of double-yellow lines could be considered to prevent parking on Fennyland Lane and alleviate any congestion that could be experienced currently or in the future, the Highway Authority considers this to be an unnecessary measure at the present time. Highway officers have not raised any concerns with regards to the principle of the new access and have suggested conditions securing an amended layout plan for

the car park. The proposals are in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011

The impact on the amenity of neighbouring residents

Policy DP2 of the Warwick District Local Plan 1996-2011 states that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents.

Policy DP9 of the Warwick District Local Plan 1996 - 2011 states that development will only be permitted which does not give rise to noise or air pollution.

There have been concerns with regards to the use of the land as a playground in relation to the residential properties located immediately adjacent to the boundary, however, the site is currently used as a playground. Also, concerns have been expressed regarding the unpleasant environment which will be created surrounding the car park element, however, Environmental Health conclude that due to the limited hours of use as a car park and the small number of spaces it is considered that there will not be any significant nuisance issues associated with the use as a car park.

It is considered that subject to the conditions listed at the end of this report the proposals are in accordance with Policy DP2 & DP9 of the Warwick District Local Plan 1996-2011.

The impact on ecological issues

The existing site consists of amenity grassland with hard boundary treatment to its perimeter. A mature tree is present to the south, however, this is located outside the site area. A condition is required to safe guard the root area of this tree. Ecology have raised no objections to the proposal subject to notes relating to protected species,

It is considered that subject to conditions the proposals are in accordance with Policy DP3 of the Warwick District Local Plan 1996-2013 and the aims and objectives of the NPPF 2012.

SUMMARY/CONCLUSION

The proposed new access achieves the highway authorities visibility splays, and consider the proposal to be an improvement which will alleviate concerns expressed previously regarding dropping off and picking up times. Subject to an amended layout plan for the car park being submitted the proposals are acceptable and in accordance with Policy DP6 & DP7 of the Warwick District Local Plan 1996-2011.

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 713D-A3-0501 & 0713D-A1-011 , and specification contained therein, submitted on 14th April 2014, except as required by other conditions below. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

3 No development shall commence on the site unless and until details of the car parking layout have been submitted to and approved in writing by the local planning authority. **REASON:** In the interests of vehicular and pedestrian safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.

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

5 The Playground use for the land contained by the red boundary line on Drawing 0713D-A1-011 (dated 10/04/14) shall be restricted to 09:00 – 18:00, Monday to Friday. For any other school function, the hours of the use for the land shown on drawing 0713D-A1-011 (dated 10/04/14) shall be restricted to 07:30 – 22:30, Monday to Sunday'. **REASON:** To ensure that the site is not used at times which would be likely to cause nuisance or disturbance to nearby residents in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

Planning Committee: 27 May 2014 **Item Number: 21**

Application No: W 03 1254

Registration Date: N/A

Town/Parish Council: Warwick **Expiry Date:** N/A
Case Officer: Rajinder Lalli
01926 456520 rajinder.lalli@warwickdc.gov.uk

5 Hawkes Hill Close, New Road Norton Lindsey
Non-compliance with Unilateral Undertaking requiring provision of 3 low cost homes for sale.

This application is being reported to Planning Committee because it is recommended that the current or any future owner/occupier of the above property be released from obligations included within the unilateral undertaking.

RECOMMENDATION

Planning Committee are recommended to resolve to release the current and any future owner/occupier of 5 Hawkes Hill Close from the requirements of the unilateral undertaking.

PLANNING HISTORY

W/03/1254: Planning permission granted on appeal for the erection of 11 residential properties subject to a unilateral undertaking requiring 3 specified units to be provided for low cost housing for sale.

THE SITE AND ITS LOCATION

The application site comprises a terraced property within a small group of modern dwellings within the north eastern area of Norton Lindsey within the Green Belt and is one of the properties required to be provided for low cost housing.

RELEVANT POLICIES

- National Planning Policy Framework
- RAP4: Providing Affordable Rural Housing.
- The emerging Warwick District Local Plan 2011 – 2014.

SUMMARY OF REPRESENTATIONS

Norton Lindsay Parish Council: Strongly object to the application for a deed of release.

WDC Housing Strategy: The NPPF sets out that affordable housing comprises either social rented, affordable rented or intermediate housing provided to eligible households whose needs are not met by the market. In contrast this unilateral undertaking requires that should the property in question be offered for sale, it must be offered for sale for a period of 3 months to somebody who is on the housing register. As such the undertaking does not provide a practicable means of ensuring that the property contributes towards the provision of affordable housing in the terms set out in the NPPF and is therefore of no benefit in making such provision.

ASSESSMENT

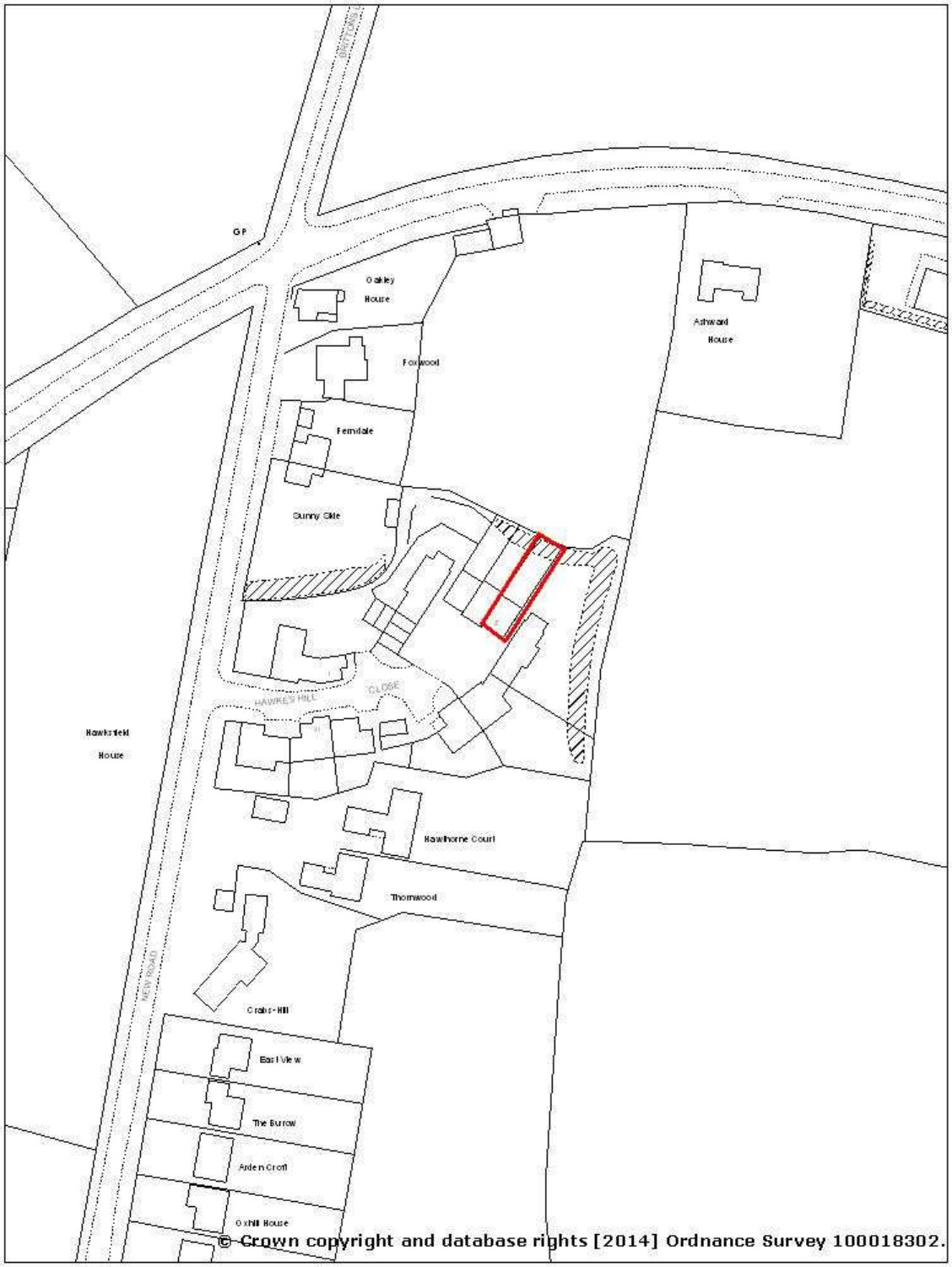
In allowing the appeal for the housing scheme in relation to which the unilateral undertaking subsists, the Inspector was mindful of the contribution of 3 low cost housing units to the mix of housing in this area.

Whilst existing and emerging Local Plan policies continue to require the provision of affordable housing as part of residential development schemes, the terms of the unilateral undertaking the subject of this report are impractical in that respect and in today's terms do not assist in requiring the residential units concerned being retained in such affordable residential use.

Further, the Norton Lindsey Housing Needs survey which was undertaken in November 2011 and is therefore still within its operational lifespan of 5 years, whilst identifying a need for 3 rented properties within that area did not identify any need for low cost housing for sale.

SUMMARY/CONCLUSION

For the above reasons, it is considered that the unilateral undertaking does not assist in the provision for affordable housing needs within Norton Lindsey and therefore that in the particular circumstances of this case, it would be appropriate for the applicant to be released from its requirements.



WARWICK DISTRICT COUNCIL

Scale: 1:1250 @A4 Drawn By: Date: 18 May 2014

Riverside House, Milverton Hill, Royal Leamington Spa, Warwickshire. CV32 5HZ Tel: 01926 410410

N

Planning Committee: 27 May 2014 **Item Number: 22**

Investigation Number: ACT 012/14

Town/Parish Council: **Leamington Spa**

Case Officer: **Rajinder Lalli**
01926 456520
Rajinder.lalli@warwickdc.gov.uk

140-142, Parade, Leamington Spa CV32 4AG

Display of an illuminated advertisement

RECOMMENDATION

Planning Committee are recommended to authorise appropriate enforcement action by way of the service of a Discontinuance Notice directed at the removal of the illuminated sign the subject of this report with a compliance period of 7 days from the effective date of the Notice.

BACKGROUND

In January 2014, an enforcement investigation commenced in respect of the intensity of illumination of an advertisement positioned close to the inner face of the main shop window of the above property which had recently reopened as a refurbished restaurant.

As part of that investigation, officers have sought to engage with the operators of the restaurant to seek improvements to the visual impact of the advertisement principally means of its removal, to date without success.

The advertisement, by reason of its positioning inside the building does not require advertisement consent. However in scenarios where Local Planning Authorities consider such advertisements to result in either substantial injury to the amenity of the locality or in danger to members of the public, the advertisement regulations enable action to be taken to seek to remedy that harm through the issue of a Discontinuance Notice.

RELEVANT POLICIES

The relevant tests as to the expediency of taking discontinuance action are as set out in the paragraph immediately above. Whilst Local Plan policies are therefore not strictly relevant, they do nevertheless seek to protect the visual amenities and preserve or enhance the character of Conservation Areas.

PLANNING HISTORY

There is no specifically relevant planning history.

KEY ISSUES

The Site and its Location

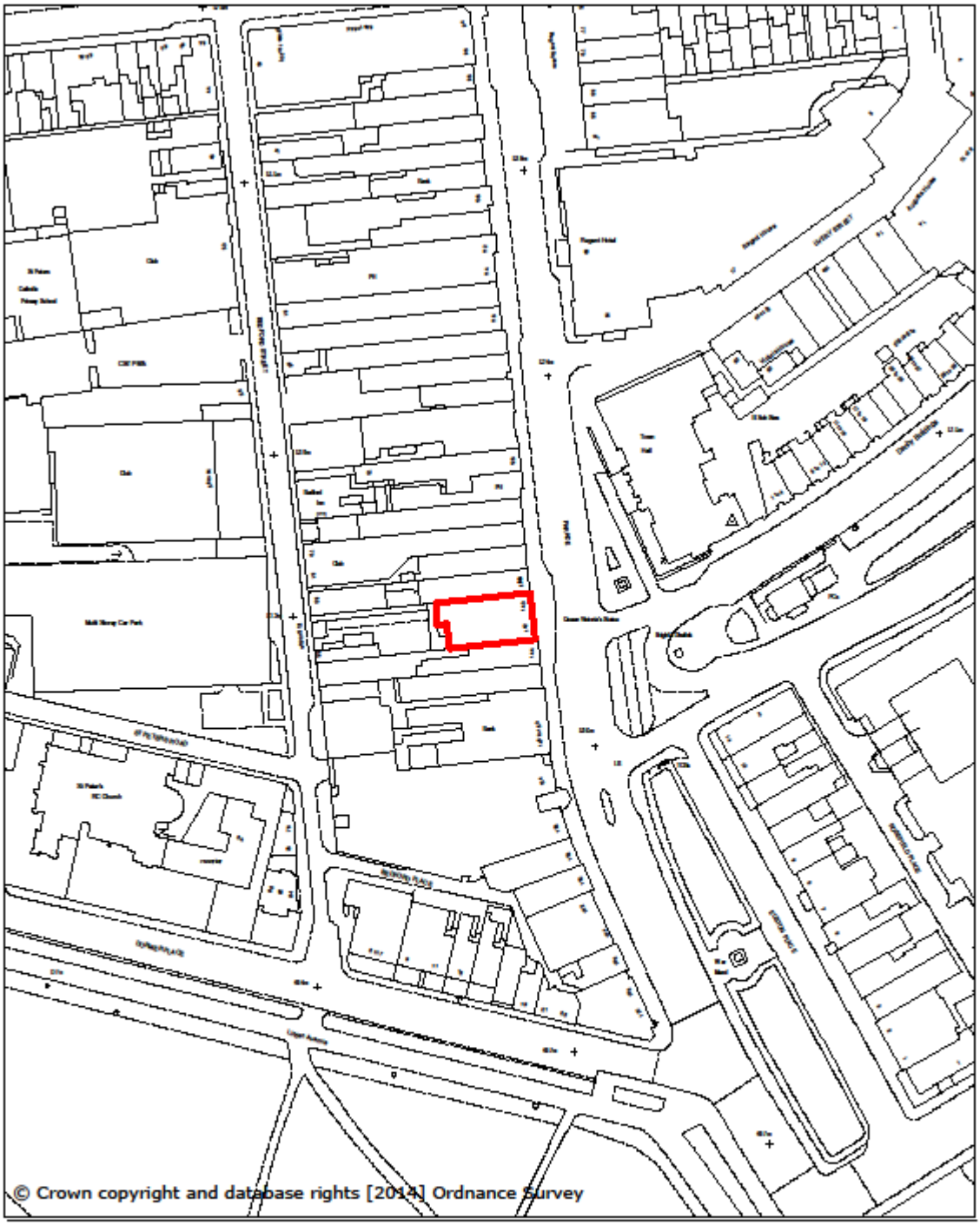
The site is a prominently located three storey building located on Parade within the Royal Leamington Spa town centre and Conservation Area. It is adjoined on either both side by Grade II Listed buildings.

Assessment

The advertisement the subject of this report comprises individual illuminated letters spelling out the name of the premises towards the top left hand corner of the shop front. The advertisement is of considerable size and its intensity of illumination is such that it is visible from a considerable distance.

On this part of Parade, advertisements on surrounding retail units comprise traditional non-illuminated fascia signs in order to preserve and enhance the simple regency character of this part of the Conservation Area and the character and setting of the numerous surrounding listed buildings.

Within that context, the advertisement in question is of a significantly different size and character which in addition by reason of its intensity of illumination is considered to inevitably result in substantial injury to the amenity of this sensitive location to the extent that it is considered expedient to serve a discontinuance notice.



WARWICK DISTRICT COUNCIL

Title:

Discontinuance Notice - Plan A

140-142 Parade, Leamington Spa CV32 4AG

LOCATION PLAN

Scale:	Plan:	Drawn By:	Date:	File No.	North:
1:1250	1	KW/RL	19 March 2014	ACT 012-14	

Development Services: P.O. Box 2178, Riverside House, Milverton Hill, Royal Leamington Spa. CV32 5QH

Civic & Committee Services
Andrew Jones – Deputy Chief Executive & Monitoring Officer

Warwick District Council, Riverside House
Milverton Hill, Royal Leamington Spa, CV32 5HZ

direct line: 01926 456114
switchboard: 01926 412656
fax: 01926 456121/
dx: DX 29123 Leamington Spa 1
email: committee@warwickdc.gov.uk
web: www.warwickdc.gov.uk

To all Members of the Planning Committee

our ref:
your ref:

21 May 2014

Dear Councillors

Planning Applications W14/0416 and W14/0417 LB – Abbotsford School, Bridge Street, Kenilworth

Please find enclosed the two reports relating to the site stated above. These are late reports produced subsequent to when the agenda for the Planning Committee was published.

As the meeting on Tuesday will be the first one of the new municipal year, we do not have a Planning Committee Chairman at the moment, so Tracy Darke has spoken to Councillor Rhead to see if he thought it was acceptable to present these reports to you on Tuesday.

I will be advising the new Chairman to announce these additional applications prior to Declarations of Interest and seek your consent to accept them. In the meantime, should people register to speak on these two items, they will have to accept that you do have the right not to discuss these additional reports next week.

Yours faithfully

Lesley Dury (Mrs)
Committee Services Officer

Planning Committee: 27 May 2014 **Item Number:** Urgent Report 1

Application No: W 14 / 0417 LB

Registration Date: 30/04/14
Town/Parish Council: Kenilworth **Expiry Date:** 25/06/14
Case Officer: Emma Spandley
01926 456533 emma.spandley@warwickdc.gov.uk

Abbotsford School, Bridge Street, Kenilworth, CV8 1BP
Demolition of part of rear wing of existing main building; change of use of existing two storey building to a single dwelling house (Use Class C3) and associated internal works; change of use of existing rear outbuilding to 2no. dwelling houses and associated internal works (Use Class C3); the erection of 6no. dwelling houses (Use Class C3) and associated landscaping. FOR Newbury Land (Developments) Ltd

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This application is being presented to Committee due to an objection from the Town Council having been received and this application has been requested to be presented to Committee by Councillor Blacklock and Councillor Coker.

RECOMMENDATION

Planning Committee are recommended to grant planning permission subject to the conditions listed below.

DETAILS OF THE DEVELOPMENT

Planning permission is sought for the demolition of some of the existing buildings and to change the use of the existing main school building into one residential dwelling. Following the removal of the existing two storey class rom wing, the proposal includes the erection of five dwelling houses. The scheme also includes the removal of the later additions to the original barn building and front extensions to convert this building into two dwelling houses.

The original access for the school onto New Street is to be utilised. A small part of the existing wall will be removed and a link archway with a flat above will be built.

Plots 1 - 3 will form a terrace with the rear facing onto New Street; plots 4 - 5 will be located within the former stable building; plot 6 will be attached to plot 5 and be located within the archway above the entrance, fronting onto New Street. A bin store will be located along the shared boundary with No.2 New Street, towards the north - east side of the site; plots 7 & 8 will be located with the rear facing onto No.2 New Street and side onto, but not touching, the rear boundary of No.1 Pears Close.

The buildings proposed and the extension to the barn building will be of a modern design and three storey in height. The Design and Access Statement states "

the design of the new dwellings is as an inward looking mews development with simple blocks of housing set between these main elements overlooking an inner parking courtyard and retaining the Beech trees to the south east boundary. Units 4 & 5 are a proposed conversion of the former Coach House with the main wall fronting New Street and two side walls retained as existing. A single storey extension facing the courtyard is proposed together with two full height projecting bay windows to harmonise with the other new residential units on the site and to act as a contrast to the other more traditional elevations.

Units 1-3 and Units 6 - 7 are design to appear as modern two storey town houses with a lightweight second floor set back from the principal elevations. The facing material for the units will be render."

THE SITE AND ITS LOCATION

The application site relates to a former school site called Abbortsford School. The site contains a Grade II* Listed Building which is located on the corner of New Street and High Street. Several extensions to the property have occurred over the years which run along the shared boundary with New Street and include a two storey class room extension, a link extension to the original barn. The original barn has benefited from further extensions to the elevation facing into the site.

There is a wall which runs along New Street and is adjoined to the main building. The original stable building's rear wall forms part of this wall. The wall is also Grade II* Listed.

PLANNING HISTORY

6154 Conversion of stabling in former builders yard to assembly hall and two first floor classrooms, granted 12th October 1965;

W/77/0720/LB Conversion of outbuilding to form sports hall, granted 25th August 1977;

W/83/0385 - Erection of extension to form toilets and internal alterations, granted 6th June 1983;

W/84/0632 - Erection of an extension to the gymnasium and a store, granted 14th August 1984;

W/90/0160/1/LB - Demolition of part of building to the rear and a chimney; rebuilding arch and erection of two storey extension, granted 5th July 1990;

W/97/1225/1226/LB - Erection of a first floor extension to provide an additional classroom, granted 17th December 1997.

RELEVANT POLICIES

- The emerging Warwick District Local Plan 2011 – 2029.
- National Planning Policy Framework
- DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DAP5 - Changes of Use of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council - Members OBJECTED to the application on the following grounds:

1. The design of the additional buildings is still inappropriate to the Grade 2* Listed building.

2. Members remain concerned as to how the site will be serviced and accessed from the main road.

3. The application is inappropriate and constitutes overdevelopment.

4. A cross section showing the design was requested but has not yet been furnished, so the relationship with the nearby properties and Pears Close cannot be fully validated, but appears to be overlooking and unneighbourly.

5. The development of the old wall along New Street alters the street scene on a key and busy route accessing the town.

6. The flat over the archway also alters and compromises the street scene.

7. Concern was expressed at the living conditions for residents adjacent to the main road, where pollution levels have long been a concern and monitored. The canyon effect may also constitute noise issues with additional problems for the accommodation of the occupants over the archway. Further consideration and comment may be appropriate once the applicants submit their updated information on noise, air quality, and renewable energy requirements.

8. Should WDC be minded to consider approving this application, then Members recommended strongly that they undertake a site visit.

9. The Town Council COMMENTED that it is concerned as to the long-term future of this very important Listed building on such a key site. Despite the constraints,

a viable scheme in keeping with the needs of the area is needed, and they question whether the retention of the main building as a single unit is sustainable in that context.

Ecology (WCC) - No objections subject to conditions

Archaeology (WCC) - No objections subject to conditions

Highways - No objections subject to conditions

English Heritage - No objections

Environmental Health - No objections subject to conditions

Waste Management - No objection

Councillor Responses - Cllr Coker requested the application to be heard by Planning Committee. Cllr Blacklock objected to the density of the development design and height of the proposed properties.

Public Responses - 2 objections concerning loss of privacy, density; traffic impacts with regards to access arrangements and the impact on a historic wall.

Kenilworth Civic Society: object on the following grounds

1. This modern architectural style is inappropriate alongside a Grade II Listed Building.

2. The proposed new building density is too high for the site.

3. The three storey proposed new buildings does not complement the existing street scene

4. There are 54 bed spaces on this site with only 16 car parking spaces; this is unacceptable in any location.

5. Side and rear windows will overlook adjacent properties, this is not neighbourly and visitors and occupants alike may swarm the already overcrowded streets searching for car parking spaces.

ASSESSMENT

The main issues relevant to the consideration of this application is the impact on the Listed Building and the setting of the Listed Building.

Policy DAP4 states consent will not be granted to alter or extend a Listed Building where those works will adversely affect its special architectural or historic interest, integrity or setting. Consent will not be granted for the demolition of a listed building and development will not be permitted that will adversely affect the setting of a listed building.

The building is Grade II* and has been left vacant for a number of years. It is important toensure that it is brought back into a sustinable and appropriate use as quickly as possible to avoid the house falling into a statre of disrepair.

English Heritage offered comments with regards to the previous planning application which stated that the wall was to be retained; one of the dwellings was too close to the main house and raised concerns with regards to the amount of demolition to the existing wall; the amount of wall to be demolished was considered to be the maximum English Heritage would be prepared to consider on the basis that the wall is a very important part of the significance of the Listed Building, and a contributor to the significance of the Conservation Area.

English Heritage support the conversion of the main building back into a single dwelling house. However, wished to see the wing of the main house preserved, whilst these are all secondary to the main house and their loss maybe acceptable the wing immediately behind the house is an early addition.

English Heritage have no objections to the current application. Extensive negotiations have undertaken between English Heritage, Conservation Officers and Highways with regards to creating a high quality design which integrates and harmonises with the Grade II* Listed Building and to overcome the challenges that such a site has. The proposals are considered acceptable and will not detract from the historic integrity of the listed building or the conservation area.

English Heritage have no objections to the current application.

SUMMARY/CONCLUSION

Abbortsford House has been left vacant for a number of years, this is a Grade II* Listed Building whose retention is required. The proposed conversion of the former Abbortsford School back to a single dwelling will bring the vacant building back into viable use and is considered acceptable in principle. There have been a number of unsympathetic utilitarian extensions added over the years by the school, the demolition of these modern additions to the rear will benefit the Grade II* Listed house. The design and density of the proposed new dwellings has been subject to extensive negotiations between the applicant, officers and English Heritage. The design of the buildings has been led by English Heritage who wished to see a modern style to the new dwellings. This is a site that has many constraints and collaboratively everyone has worked together to bring the site back into use. The proposal represents a joint approach to achieving a high

quality, sensitive and comprehensive redevelopment scheme which sees the reinstatement of the main house back to a single dwelling. The proposals are considered wholly in accordance with the adopted Local Plan 1996 - 2011, the Draft Local Plan 2014- 2029 and the NPPF.

CONDITIONS

1 The works hereby permitted shall begin not later than three years from the date of this consent. **REASON:** To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 0928-A1-016-A, 928-A3-009; 928-0500-A, 928-0501-A, 928-0502-A dated 25th March 2014; 0928-A1-050-B dated 9th April 2014, and specification contained therein **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

3 The development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made to direct run-off 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 dwellings 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 similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.

4 No development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.

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

6 All window and door frames within the Abbortsford House shall be constructed in timber and shall be painted and not stained. **REASON**: To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011 / To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.

Planning Committee: 27 May 2014 **Item Number:** Urgent Item 2

Application No: W 14 / 0416

Registration Date: 30/04/14
Town/Parish Council: Kenilworth **Expiry Date:** 25/06/14
Case Officer: Emma Spandley
01926 456533 emma.spandley@warwickdc.gov.uk

Abbotsford School, Bridge Street, Kenilworth, CV8 1BP
Demolition of part of rear wing of existing main building; change of use of existing two storey building to a single dwelling house (Use Class C3); change of use of existing rear outbuilding to 2no. dwelling houses (Use Class C3) and the erection of 6no. dwelling houses (Use Class C3) and associated landscaping. FOR Newbury Land (Developments) Ltd

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This application is being presented to Committee due to an objection from the Town Council having been received and this application has been requested to be presented to Committee by Councillor Blacklock and Councillor Coker.

RECOMMENDATION
Planning Committee are recommended to grant planning permission subject to the conditions listed below.

DETAILS OF THE DEVELOPMENT
Planning permission is sought for the demolition of some of the existing buildings and to change the use of the existing main school building into one residential dwelling. Following the removal of the existing two storey class room wing, the proposal includes the erection of five dwelling houses. The scheme also includes the removal of the later additions to the original barn building and front extensions to convert this building into two dwelling houses.

The original access for the school onto New Street is to be utilised. A small part of the existing wall will be removed and a link archway with a flat above will be built.

Plots 1 - 3 will form a terrace with the rear facing onto New Street; plots 4 - 5 will be located within the former stable building; plot 6 will be attached to plot 5 and be located within the archway above the entrance, fronting onto New Street. A bin store will be located along the shared boundary with No.2 New Street, towards the north - east side of the site; plots 7 & 8 will be located with the rear facing onto No.2 New Street and side onto, but not touching, the rear boundary of No.1 Pears Close.

The buildings proposed and the extension to the barn building will be of a modern design and three storey in height. The Design and Access Statement states "

the design of the new dwellings is as an inward looking mews development with simple blocks of housing set between these main elements overlooking an inner

parking courtyard and retaining the Beech trees to the south east boundary. Units 4 & 5 are a proposed conversion of the former Coach House with the main wall fronting New Street and two side walls retained as existing. A single storey extension facing the courtyard is proposed together with two full height projecting bay windows to harmonise with the other new residential units on the site and to act as a contrast to the other more traditional elevations.

Units 1-3 and Units 6 - 7 are design to appear as modern two storey town houses with a lightweight second floor set back from the principal elevations. The facing material for the units will be render."

THE SITE AND ITS LOCATION

The application site relates to a former school site called Abbortsford School. The site contains a Grade II* Listed Building which is located on the corner of New Street and High Street. Several extensions to the property have occurred over the years which run along the shared boundary with New Street and include a two storey class room extension, a link extension to the original barn. The original barn has benefited from further extensions to the elevation facing into the site.

There is a wall which runs along New Street and is adjoined to the main building. The original stable building's rear wall forms part of this wall. The wall is also Grade II* Listed.

PLANNING HISTORY

6154 Conversion of stabling in former builders yard to assembly hall and two first floor classrooms, granted 12th October 1965;

W/77/0720/LB Conversion of outbuilding to form sports hall, granted 25th August 1977;

W/83/0385 - Erection of extension to form toilets and internal alterations, granted 6th June 1983;

W/84/0632 - Erection of an extension to the gymnasium and a store, granted 14th August 1984;

W/90/0160/1/LB - Demolition of part of building to the rear and a chimney; rebuilding arch and erection of two storey extension, granted 5th July 1990;

W/97/1225/1226/LB - Erection of a first floor extension to provide an additional classroom, granted 17th December 1997.

RELEVANT POLICIES

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- Vehicle Parking Standards (Supplementary Planning Document)
- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
- Open Space (Supplementary Planning Document - June 2009)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)
- SC8 - Protecting Community Facilities (Warwick District Local Plan 1996 - 2011)
- The emerging Warwick District Local Plan 2011 – 2029.
- DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DAP5 - Changes of Use of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council - Members OBJECTED to the application on the following grounds:

1. The design of the additional buildings is still inappropriate to the Grade 2* Listed building.

2. Members remain concerned as to how the site will be serviced and accessed from the main road.

3. The application is inappropriate and constitutes overdevelopment.

4. A cross section showing the design was requested but has not yet been furnished, so the relationship with the nearby properties and Pears Close cannot be fully validated, but appears to be overlooking and unneighbourly.

5. The development of the old wall along New Street alters the street scene on a key and busy route accessing the town.

6. The flat over the archway also alters and compromises the street scene.

7. Concern was expressed at the living conditions for residents adjacent to the main road, where pollution levels have long been a concern and monitored. The canyon effect may also constitute noise issues with additional problems for the accommodation of the occupants over the archway. Further consideration and

comment may be appropriate once the applicants submit their updated information on noise, air quality, and renewable energy requirements.

8. Should WDC be minded to consider approving this application, then Members recommended strongly that they undertake a site visit.

9. The Town Council COMMENTED that it is concerned as to the long-term future of this very important Listed building on such a key site. Despite the constraints, a viable scheme in keeping with the needs of the area is needed, and they question whether the retention of the main building as a single unit is sustainable in that context.

Ecology (WCC) - No objections subject to conditions

Archaeology (WCC) - No objections subject to conditions

Highways - No objections subject to conditions

English Heritage - No objections

Environmental Health - No objections subject to conditions

Waste Management - No objection

Councillor Responses - Cllr Coker requested the application to be heard by Planning Committee. Cllr Blacklock objected to the density of the development design and height of the proposed properties.

Public Responses - 2 objections concerning loss of privacy, density; traffic impacts with regards to access arrangements and the impact on a historic wall.

Kenilworth Civic Society: object on the following grounds

1. This modern architectural style is inappropriate alongside a Grade II Listed Building.

2. The proposed new building density is too high for the site.

3. The three storey proposed new buildings does not complement the existing street scene

4. There are 54 bed spaces on this site with only 16 car parking spaces; this is unacceptable in any location.

5. Side and rear windows will overlook adjacent properties, this is not neighbourly and visitors and occupants alike may swarm the already overcrowded streets searching for car parking spaces.

ASSESSMENT

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

- The principle of housing on the site;
- The change of use of a community facility;
- The impact on the Listed Building and the Conservation Area;
- The impact on highway safety and parking;
- Impact on Air Quality and Noise;
- The impact on the living conditions of neighbouring dwellings;
- Ecology;
- Renewable Energy;
- Open Space;
- Waste disposal.

The principle of housing on the site

Policy UAP1 of the Warwick District Local Plan 1996-2011 states residential development will be permitted on previously development land within the confines of the urban areas subject to other policies. The application site relates to an existing school site. Limited weight can be attached to this policy. The Council does not have a five year supply of deliverable housing sites. In such circumstances paragraph 49 of the NPPF is relevant which states that there is a presumption in favour of sustainable development when the local planning authority cannot demonstrate a five year supply of deliverable housing sites. The lack of a 5 year housing land supply means that Policy UAP1 cannot be regarded as being up to date and the principle of the development is therefore acceptable subject to the compatibility with other national and local policies. The Draft Local Plan was approved for publication by Full Council on 23rd April 2014. As the Draft Local Plan has now been approved by the Council, more weight can be attached to the policies contained within it. Policy H0 of the draft local plan states that new housing will be in sustainable locations, whilst Policy H1 states the housing will be permitted within the Urban Areas. These policies are broadly similar to Policy UAP1 and in accordance with the NPPF.

Change of use of an existing community facility

Policy SC8 states the redevelopment or change of use of community facilities that serve local needs will not be permitted unless:- (a) there are other similar facilities accessible to the local community by means other than the car; (b) the facility is redundant and no other user is willing to acquire and manage it; or (c) there is an assessment demonstrating a lack of need for the facility within the local community.

The site is a former school which has been left empty for a considerable time. Information has been submitted which states that no other community use were interested in the site.

The Draft Local Plan was approved for publication by Full Council on 23rd April 2014. As the Draft Local Plan has now been approved by the Council, more weight can be attached to the policies contained within it. Policy HS8 of the draft local plan is broadly similar to Policy SC8 and is in accordance with the NPPF.

The impact on the Listed Building and the Conservation Area

Policy DAP4 states consent will not be granted to alter or extend a Listed Building where those works will adversely affect its special architectural or historic interest, integrity or setting. Consent will not be granted for the demolition of a listed building and development will not be permitted that will adversely affect the setting of a listed building, whereas Policy DAP8 states developments will be required to preserve or enhance the special architectural and historic interest and appearance of Conservation Areas.

English Heritage offered comments to the previous planning application stating that the wall was to be retained; one of the dwellings was too close to the main house and raised concerns with regards to the amount of demolition to the existing wall; the amount of wall to be demolished was considered to be the maximum English Heritage would be prepared to consider on the basis that the wall is a very important part of the significance of the Listed Building, and a contributor to the significance of the Conservation Area.

English Heritage support the conversion of the main building back into a single dwelling house. However, wished to see the wing of the main house preserved, whilst these are all secondary to the main house and their loss maybe acceptable the wing immediately behind the house is an early addition and its retention is preferred.

The current application has taken into account the comments raised by English Heritage and retained the immediate wing behind the main house and moved the nearest house further away. The proposal also seeks to retain the main building as one single dwellinghouse.

English Heritage have no objections to the current application. Extensive negotiations have undertaken between English Heritage, Conservation Officers and Highways with regards to creating a high quality design which integrates and harmonises with the Grade II* Listed Building and to overcome the challenges that such a site has. The proposals are considered acceptable and will not detract from the historic integrity of the listed building or the conservation area.

The impact on highway safety and parking

Highways objected to the previous scheme due to the access arrangements. Amended information has been submitted which shows the existing access to be widened to achieve the visibility splays required and a 'keep clear' box will be provided across the access to indicate the area of carriage way to be kept clear of queuing vehicles. The widening of the will also increase visibility of/for pedestrians approaching the access.

Highways do not object to the amended proposals subject to the conditions listed.

Parking

The application proposes the erection of 5 three storey, 4 bedroomed properties; 2 three storey, 3 bedroomed properties (on the plans is shows 2 bedrooms and a study) and a 1 bedroomed apartment. The amount of off road parking required is 10 spaces for the 4 bedroomed properties; 4 spaces for the 3 bedroomed property; 1 space for the apartment, a total of 15 car parking spaces for the new development. The proposal includes 15 car parking spaces for the and an area allocated for the main house retains 2 car parking spaces. The proposal is in accordance with our adopted parking standards.

Air Quality and Noise impact

The New Street facade is one side of a canyon which contains queuing traffic from the New Street / High Street Cross Roads. Windows situated on this facade would look into the canyon and overlook the traffic queue. There are potential issues of noise and exposure to poor air quality in rooms that are ventilated from the New Street side. This section of the street is located within an existing Air Quality Management Area.

Environmental Health do not object to the principle of the proposals however have recommended conditions regarding internal noise levels within the dwellings and air quality assessments which can be dealt with through appropriate conditions.

The impact on the living conditions of neighbouring dwellings

Policy DP2 of the Warwick District Local Plan 1996-2011 states that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents.

Additional Supplementary Planning Guidance (SPG) relating to distance separation distances, 45 degree sightline which seeks to introduce an objective standard against which to assess the impact on new houses on the amenities of adjoining properties. The intention of the guidance seeks to limit the potential for over-development, loss of privacy and dominance over adjoining dwellings and secure a reasonable standard of amenity and outlook for local residents.

The adjoining property located within the mews is 16 metres from the front of the proposed properties and the rear of the existing properties, however, there are high level windows within the rear elevation of the mews properties which do not serve habitable rooms. The separation distance guidance states a two storey dwelling house which has habitable room windows within the rear elevation is required to have a 16 metre separation distance gap between the blank gable of a three storey dwelling. As this situation is reversed the same distances apply. It is considered that the proposed three storey dwellings numbered 1 - 5 will not have a detrimental impact on the occupiers of the adjoining neighbours through loss of privacy.

Units 7 & 8 back onto the rear garden of No.2 New Street. There is a distance of 6 metres between the rear elevation of the proposed house and the boundary with No.2 New Street. However, there is an existing high brick boundary wall along the shared boundary which will obscure views from the rear bedrooms windows of these two properties and the third floor has bathrooms windows

which will be obscured glazed. Furthermore, the houses are located to the rear of the garden area of No.2 and therefore will not overlook the private intimate amenity space associated with the property.

Within the side elevation of units 7-8 there is a dining room window at ground floor and a landing window at first floor and a separation distance of over 25 metres to the rear of No.1 Pears Close.

It is considered the proposal will not introduce an unacceptable scheme by virtue of overdevelopment, loss of light, loss of privacy.

Ecology

A bat survey was submitted which showed evidence of bat activity within the site. The bat survey recommended further work is completed to determine which bat species are present.

It is considered subject to the condition listed, the application will not have a detrimental impact on protected species.

Renewable Energy

An energy report has been submitted which states the development will utilise air source heat pumps. Whilst the details of the air source heat pumps have not been submitted, this can be controlled by a suitably worded condition.

It is considered that the proposal is in accordance with Policy DP13 of the Warwick District Local Plan 1996-2011 subject to conditions.

Open Space.

Policy SC13 states contributions from residential developments will be sought to provide, improve and maintain appropriate open space to meet local needs.

The Open Space SPD (June 2009) sets out the contribution levels required for development. Which for this scheme totals £21,640.00.

This can be controlled by a suitable worded condition.

Waste

The application proposes the erection of a dedicated waste storage area. Waste Management have raised no objections to the proposal subject to the bin store being large enough to accommodate 2 x 1100 refuse bins and 2 x 1100 recycling bins, which will include the waste requirements for Abbortsford House.

SUMMARY/CONCLUSION

Abbortsford House has been left vacant for a number of years, this is a Grade II* Listed Building whose retention is required. The proposed conversion of the former Abbortsford School back to a single dwelling will bring the vacant building

back into viable use and is considered acceptable in principle. There have been a number of unsympathetic utilitarian extensions added over the years by the school, the demolition of these modern additions to the rear will benefit the Grade II* Listed house. The design and density of the proposed new dwellings has been subject to extensive negotiations between the applicant, officers and English Heritage. The design of the buildings has been led by English Heritage who wished to see a modern style to the new dwellings. This is a site that has many constraints and collaboratively everyone has worked together to bring the site back into use.

The proposals do not have an impact on the amenity levels of adjacent residents, the buildings are sited in accordance with the adopted separation SPD, the garden area for the main house has been increased and the trees are to be retained. The proposal represents a joint approach to achieving a high quality, sensitive and comprehensive redevelopment scheme which sees the reinstatement of the main house back to a single dwelling. The proposals are considered wholly in accordance with the adopted Local Plan 1996 - 2011, the Draft Local Plan 2014- 2029 and the NPPF.

CONDITIONS

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

2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 0928-A1-016-A, 928-A3-009; 928-0500-A, 928-0501-A, 928-0502-A dated 25th March 2014; 0928-A1-050-B dated 9th April 2014, and specification contained therein **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

3 No development (including demolition) shall commence unless and until further bat survey of the site, to include appropriate activity surveys in accordance with BCT Bat Surveys - Good Practice Guidelines, has been carried out and a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the local planning authority. Such approved mitigation plan shall thereafter be implemented in full. **REASON:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-2011.

4 No development shall take place within the application site, unless and until a programme of archaeological works and investigations has been secured and initiated in accordance with a written scheme of

investigation which has been submitted to and approved in writing by the local planning authority. **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 were applicable, before development commences in accordance with Policy DP4 of the Warwick District Local Plan 1996-2011.

5 The development hereby permitted shall proceed only in strict accordance with the recommendations of a noise assessment. The noise assessment shall include results for LAeq, LA10, and LA90 noise descriptors, together with a calculated arithmetical average for the LAeq. The assessment will demonstrate by calculation that internal noise levels for the proposed residential property meet the 'Good' criteria set out in British Standard 8233 'Sound Insulation and Noise Reduction for Buildings' together with any mitigation measures that are required to achieve this. The report shall also demonstrate that outdoor garden and leisure areas associated with this development meet the 55dB limit as required by the World Health Organisation (WHO). Prior to the first occupation of the building any necessary mitigation measures shall have been implemented in full accordance with the recommendations of the noise assessment and thereafter shall not be removed or altered in any way without the prior written approval of the local planning authority. **REASON:** To ensure that the premises are not used in a manner prejudicial to or likely to cause nuisance or disturbance to the occupiers of nearby properties in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

6 Development hereby approved shall not be commenced unless and until details of the fresh air supply to the habitable rooms of the dwelling has been submitted and approved by the Local Planning Authority. **Reason** To ensure that the development hereby permitted can achieve satisfactory levels of amenity of the occupiers of the properties in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

7 The development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. **REASON** : To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-

2011.

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

10 The development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made to direct run-off 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 dwellings 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 similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British

Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.

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

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

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

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

12 No development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.

13 The development shall not be occupied until the access including associated white lining works has been laid out in accordance with drawing No. 0928-A1-050-B. **REASON:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.

14 The gradient of the access for vehicles to the site shall not be steeper than 1 in 12 for a distance of 7.5 metres into the site, as measured from the near edge of the public highway. **REASON:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.

15 The access to the site shall not be widened in such a manner as to reduce the effective capacity of any drain within the limits of the public highway. **REASON:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.

16 The access to the site for vehicles shall not be used unless the public highway footway crossing as been laid out and constructed in accordance with the standard specification of the Highway Authority. **REASON:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.

17 The development shall not be occupied until visibility splays have been provided to the vehicular access to the site passing through the limits of the site fronting the public highway with an 'x' distance of 2.4 metres and 'y' distances of 43.0 metres to the near edge of the public highway carriageway in an easterly direction and to the centreline of the carriageway in a westerly direction. No structure, tree of shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway. **REASON:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.

18 Construction traffic shall not be permitted to enter or exit the site before 9am and after 4.30pm, Monday - Friday. **REASON:** Due to traffic levels in this area of the network at peak times and the conflict that would occur between normal users of the public highway and large slower moving vehicles entering and existing the site and in the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.

19 The dwellings hereby permitted shall be designed and constructed so that internal noise levels within bedrooms at night shall not exceed the internal target noise level of 30dbLaeq, 8hr; internal noise levels within living rooms and bedrooms by day shall not exceed 35dB LAeq, 16hr; maximum internal noise level in bedrooms and living rooms shall not exceed 45db LA MAX fast as required by the World Health Organisation (WHO). Prior to the first occupation of the building any necessary mitigation measures shall have been implemented in full accordance with the recommendations of the noise assessment and thereafter shall not be removed or altered in any way without the prior written approval of the local planning authority. **REASON:** To ensure that the development hereby permitted can achieve satisfactory noise levels for the amenity of the occupiers of the properties in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

20 All window and door frames within the Abbortsford House shall be constructed in timber and shall be painted and not stained. **REASON**: To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011 / To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.