

Planning Committee 25 April 2023

A meeting of the above Committee will be held in the Town Hall, Royal Leamington Spa on Tuesday 25 April 2023, at 6.00pm and available for the public to watch via the Warwick District Council [YouTube channel](#).

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

Councillor M Ashford
Councillor R Dickson
Councillor B Gifford
Councillor O Jacques
Councillor J Kennedy
Councillor R Margrave

Councillor N Murphy
Councillor M Noone
Councillor C Quinney
Councillor D Skinner
Councillor N Tangri

Emergency Procedure

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

Agenda Part A – General

1. Apologies & Substitutes

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

2. Declarations of Interest

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

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

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

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

3. **Site Visits**

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

4. **Minutes**

To confirm the minutes of the Planning Committee meeting held on 10 January 2023. **(Pages 1 to 30)**

Part B – Planning Applications

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

5. **W/21/1280 – Land South of Westwood Heath Road, Burton Green** **(Pages 1 to 21)**

Major Application

6. **W/22/1762 – 41 Portland Street, Royal Leamington Spa** **(Pages 1 to 5)**

7. **W/22/1763 LB – 41 Portland Street, Royal Leamington Spa** **(Pages 1 to 5)**

8. **W/23/0089 – 83 Whitnash Road, Whitnash** **(Pages 1 to 7)**

9. **W/23/0090 LB – 83 Whitnash Road, Whitnash** **(Pages 1 to 4)**

10. **TPO 574 – The Sycamores, Sydenham Drive, Royal Leamington Spa** **(Pages 1 to 2)**

Part C – Other matters

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

Please note:

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

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

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For enquiries about specific reports, please contact the officers named in the reports. You can e-mail the members of the Committee at planningcommittee@warwickdc.gov.uk

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prior to the meeting, by telephoning (01926)
456114

Planning Committee

Minutes of the meeting held on Tuesday 10 January 2023 at the Town Hall, Royal Leamington Spa at 6.00pm.

Present: Councillor Boad (Chairman); Councillors R Dickson, B Gifford, Jacques, Kennedy, Margrave, Morris, Murphy, Quinney, Skinner and Tangri.

Also Present: Principal Committee Services Officer – Rob Edwards; Legal Advisor – Sue Mullins; Principal Planning Officer – Dan Charles; Principal Planning Officer – Helena Obremski (remote); and WCC Highways – Dave Pilcher (remote).

120. **Apologies and Substitutes**

- a) Apologies for absence were received from Councillors Ashford and Noone; and
- b) There were no substitutes.

121. **Declarations of Interest**

There were no declarations of interest made.

122. **Site Visits**

Councillor R Dickson made an independent site visit to W/22/1038 - Land at Rosswood Farm, Coventry Road, Baginton.

123. **W/22/1546 – 16 Cross Street, Royal Leamington Spa**

The Committee considered an application from GSK Developments for the demolition of the existing building and the erection an apartment building comprising eight units.

The application had been referred to the Planning Committee because of the number of objections and an objection from the Town Council having been received.

The officer was of the opinion that the previous application for eight flats (W/22/0125) was refused only on the grounds that it did not provide satisfactory living conditions for the future occupants of the properties. There had been much negotiation between the applicant and Environmental Health Officer to ensure that the development would now ensure a satisfactory living environment for future residents. The development was considered to preserve the setting of the Conservation Area, would have an acceptable impact on residential amenity, ecology and would provide suitable parking arrangements. On this basis, it was considered that the previous reason for refusal had been overcome, and therefore the application was recommended for approval.

PLANNING COMMITTEE MINUTES (Continued)

The following people addressed the Committee:

- Councillor McAllister, Royal Leamington Spa Town Council, speaking in objection;
- Miss Kelly, speaking in objection;
- Miss Owen, speaking in objection; and
- Mr Kedgley, the applicant, speaking in support.

(At 6.30pm, the Chairman adjourned the meeting until the next day due to one of the participants being unwell).

Resumption of the adjourned Planning Committee meeting held on Wednesday 11 January 2023 at the Town Hall, Royal Leamington Spa at 6.00pm.

Present: Councillor Boad (Chairman); Councillors R. Dickson, B Gifford, Jacques, Kennedy, Margrave, Morris, Quinney, Skinner and Tangri.

Also Present: Civic & Committee Services Manager – Patricia Tuckwell; Legal Advisor – Ross Chambers; Business Manager – Rob Young, Principal Planning Officer – Helena Obremski (remote), and Dave Pilcher (Highways Department Warwickshire County Council).

124. Apologies and Substitutes

- a) Apologies for absence were received from Councillors Ashford and Noone; and
- b) There were no substitutes.

125. Declarations of Interest

There were no declarations of interest made.

126. W/22/1546 – 16 Cross Street, Royal Leamington Spa

The Chairman advised those present that the consideration of this item had started the day before. On 10 January 2023, the planning officer's presentation had been given and the public speakers addressed the Committee, and for that reason, they would not be heard again.

An addendum circulated prior to the meeting advised of three additional objections received in response to the consultation, including one from Councillor Cullinan. Additional comments were also received from the Environmental Health Officer in response to Councillor Cullinan's submission.

The addendum also provided a list of the questions raised by Members of the Committee ahead of the meeting, alongside their answers.

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

The Committee therefore

PLANNING COMMITTEE MINUTES (Continued)

Resolved that W/22/1546 be **granted** subject to:

- (a) an amendment to Condition 9 to ensure 11 cycle parking bays are provided;
- (b) if considered necessary by the Environmental Health Officer (EHO), an additional condition will be added limiting the external noise output from the mechanical ventilation system. The EHO will report back to the Chair of Planning Committee and Head of Place, Arts and Economy on the necessity of such a condition, as well as on the efficiency capacity of the mechanical ventilation system. Following the report from Environmental Health, authority be delegated to the Head of Development Services to add the necessary conditions to ensure compliance with Policy BE3; and
- (c) the following conditions:

No.	Condition
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| (1) | the development hereby permitted shall begin no later than three years from the date of this permission. |
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Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);

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| (2) | the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 3215-s3-500 (section) submitted on 14th October 2022, 3215-s3-200-h (elevations) and 3215-s3-100-k (floor plans) submitted on 12th December 2022 and 3215-s3-300-k (site plan) submitted on 13th December 2022 and specification contained therein. |
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Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;

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| (3) | notwithstanding details contained within the approved documents, prior to commencement of development, a Sustainability Statement including an energy hierarchy scheme and a programme of delivery of all proposed measures shall be submitted to and approved in writing by the Local Planning Authority. The |
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PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	document shall include;
	a) How the development will reduce carbon emissions and utilise renewable energy;
	b) Measures to reduce the need for energy through energy efficiency methods using layout, building orientation, construction techniques and materials and natural ventilation methods to mitigate against rising temperatures;
	c) How proposals will de-carbonise major development;
	d) Details of the building envelope (including U/R values and air tightness);
	e) How the proposed materials respond in terms of embodied carbon;
	f) Consideration of how the potential for energy from decentralised, low carbon and renewable energy sources, including community-led initiatives can be maximised; and
	g) How the development optimises the use of multi-functional green infrastructure (including water features, green roofs and planting) for urban cooling, local flood risk management and to provide access to outdoor space for shading.

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

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

- (4) no development shall be carried out above slab level unless and until a hard and soft landscaping scheme has been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard

PLANNING COMMITTEE MINUTES (Continued)

No.

Condition

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

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

- (5) no development shall be carried out above slab level unless and until a surface water outfall assessment, following the Drainage Hierarchy (National Planning Practice Guidance, paragraph 80) to determine if there are viable alternatives to existing connections to the combined sewer network has been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: To satisfy the requirements of Policy RLS1 of the Royal Leamington Spa Neighbourhood Development Plan 2020 – 2029;

- (6) the development hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved has been submitted to and approved in writing by the Local Planning Authority. No dwelling/unit shall be first occupied until the works

PLANNING COMMITTEE MINUTES (Continued)

No.

Condition

within the approved scheme have been completed for that particular dwelling / unit in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

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

- (7) no development shall be carried out above slab level until details of the finished floor levels of all buildings, together with details of existing and proposed site levels on the application site and the relationship with adjacent land and buildings, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with these approved details.

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

- (8) no development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

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

- (9) the development hereby permitted shall not be occupied unless and until the secure cycle parking and manoeuvring area indicated on the approved drawings has been provided and thereafter those areas shall be kept available for such use at all times.

PLANNING COMMITTEE MINUTES (Continued)

No.

Condition

Reason: To promote sustainable transport patterns in accordance with policy TR1 of the Warwick District Local Plan 2011-2029;

- (10) the development hereby permitted shall not be occupied unless and until the refuse and recycling storage areas for the development have been constructed or laid out in strict accordance with the approved plans and made available for use by the occupants of the development. Thereafter those areas shall be kept free of obstruction and be available at all times for the storage of refuse and recycling associated with the development. Refuse and recycling storage containers must be stored within the refuse and recycling storage area shown on the approved plans, unless when being presented on street for collection facilities.

Reason: To ensure the satisfactory provision of refuse and recycling storage facilities in the interests of amenity and the satisfactory development of the site in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;

- (11) the development hereby permitted shall not be occupied unless and until the approved noise mitigation and thermal comfort measures have been implemented in full accordance with the approved details contained within the following documents: 16 Cross Street, Leamington Noise Assessment by Inacoustic, dated 13th October 2022; letter dated 15th November 2022 from Neil Morgan, Inacoustic titled "RE: 16 Cross Street, Leamington Spa - Planning Stage Noise Impact Assessment. Supplementary Information."; and drawing 3215-900 (sun path analysis). These measures shall be retained in accordance with the approved details in perpetuity.

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

- (12) in the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation

PLANNING COMMITTEE MINUTES (Continued)

No.

Condition

and risk assessment must be undertaken, and where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority.

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

- (13) prior to the occupation of the development hereby permitted, all side facing windows in the east and west elevations shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed window(s) shall be retained and maintained in that condition at all times.

Reason: To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029.

127. W/22/1666 – Land Adjacent to Kingswood Farm, Old Warwick Road, Lapworth

The Committee considered an application from Mr & Mrs Guest for the erection of detached dwelling and garage, together with associated parking and landscaping (re-submission of W/20/0388).

This application was referred to Planning Committee because of the number of objections received.

The officer was of the opinion that the minor changes proposed were considered to be in keeping with the character and appearance of the surrounding Conservation Area. The amenity for both existing and proposed occupiers of surrounding neighbouring properties and the new dwelling was acceptable having regard to the standards set out in the SPD. There would be no harm to highway safety, having regard to the safety of both vehicles and pedestrians, and there was no objection from the Highway Authority.

The proposals were in accordance with the policies mentioned in the report, and it was therefore recommended for approval.

PLANNING COMMITTEE MINUTES (Continued)

The following people addressed the Committee:

- Mrs Hobday, speaking in objection;
- Mr Bassi, speaking in objection; and
- Miss Sheridan, statement of support read by the Civic & Committee Services Manager on her behalf.

An addendum circulated prior to the meeting advised of an additional consultation response from WCC Ecology who raised no objection to the proposed scheme, subject to two pre-commencement conditions and notes detailed in the addendum. The addendum also advised of additional comments received from a neighbouring property.

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

The Committee therefore

Resolved that W/22/1666 be **granted** subject to the following conditions:

- | No. | Condition |
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| (1) | the development hereby permitted shall begin no later than three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended); |
| (2) | the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan 3783-01G and approved drawing(s) 3783-11 T, 3783-21 S, 3783-25 L, 3783-26 M and 3783-30 L submitted on 20th October 2022 and 3783-20 Y submitted on 16th December 2022 and specification contained therein.

Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029; |
| (3) | the development hereby permitted (including any works of demolition) shall not commence unless and until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall provide for: the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and |

PLANNING COMMITTEE MINUTES (Continued)

No.

Condition

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

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

- (4) prior to the commencement of the development hereby approved (including all preparatory work), a detailed Tree Protection Plan and a comprehensive Arboricultural Method Statement, together referred to as the scheme of protection, that will detail how the retained trees are to be protected from harm during the development shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved scheme of protection.

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

- (5) no development above slab level shall take place unless and until a hard and soft landscaping scheme has been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	<p>details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations.</p>

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

- (6) the existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted. Any tree(s) or shrub(s) removed, dying, or being severely damaged or diseased or becoming, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, [as soon as practicable/ within the next planting season] with tree(s) and shrub(s) of the same size and species as that originally planted. All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations (excluding hard surfaces).

PLANNING COMMITTEE MINUTES (Continued)

No.

Condition

Reason: To protect those landscape features which are of significant amenity value, and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029;

- (7) no part of the development hereby permitted, including site clearance works, shall commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. In discharging this condition, the LPA expect to see details concerning pre-commencement checks for protected species and appropriate working practices and safeguards for wildlife, trees and hedgerows and the adjacent canal that are to be employed whilst works are taking place on site. The agreed Construction Environmental Management Plan shall thereafter be implemented in full.

Reason: To ensure that protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029;

- (8) no development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

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

- (9) prior to the occupation of the dwelling(s) hereby permitted, one 16amp (minimum) electric vehicle recharging point (per dwelling) shall be installed in accordance with details first submitted to and approved in writing by the Local Planning Authority (LPA). Once the electric vehicle recharging point(s) has been installed, the following verification details shall be submitted to and approved in writing by the LPA: (1). Plan(s)/ photograph(s) showing

PLANNING COMMITTEE MINUTES (Continued)

No.

Condition

the location of the electric vehicle recharging point(s); (2). A technical data sheet for the electric vehicle recharging point infrastructure; and (3). Confirmation of the charging speed in kWh. Thereafter the electric vehicle recharging point(s) shall be retained in accordance with the approved details and shall not be removed or altered in any way (unless being upgraded).

Reason: To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document;

- (10) the development hereby permitted shall not be occupied unless and until the refuse and recycling storage areas for the development have been constructed or laid out in strict accordance with the approved plans and made available for use by the occupants of the development. Thereafter those areas shall be kept free of obstruction and be available at all times for the storage of refuse and recycling associated with the development. Refuse and recycling storage containers must be stored within the refuse and recycling storage area shown on the approved plans, unless when being presented on street for collection facilities.

Reason: To ensure the satisfactory provision of refuse and recycling storage facilities in the interests of amenity and the satisfactory development of the site in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;

- (11) the development hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved has been submitted to and approved in writing by the Local Planning Authority. No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| | accordance with manufacturer's specifications.

Reason: To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policy FW3 of the Warwick District Local Plan 2011-2029; |
| (12) | 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 BE1, BE3 and TR3 of the Warwick District Local Plan 2011-2029; |
| (13) | the pedestrian access for the development hereby permitted as shown on proposed site plan 3783-20 Y shall be retained as a pedestrian access only in perpetuity and shall not, at any time, be used by vehicular traffic.

Reason: In the interest of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029; |
| (14) | no development shall commence until an ecological mitigation and enhancement scheme for the development has been submitted and approved in writing by the District Planning Authority. In discharging this condition the LPA expect to see details of the following: reasonable avoidance measures during works with regard to nesting birds, amphibians and badgers, timing of works and full details of proposed biodiversity enhancement features as identified within the submitted EcIA carried out by FPCR dated December 2022. This must include long term management for all habitat enhancement measures, and location, installation timescale, and type for other features proposed to increase biodiversity, such as the proposed bird boxes. The works and ecological enhancement shall thereafter be carried out in accordance with the approved details and maintained in perpetuity.

Reason: In accordance with NPPF, ODPM Circular 06/2005; |

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
(15)	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 District Planning Authority. The plan should include details of planting and long term maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as native species planting, wildflower grassland creation, woodland and hedgerow creation/enhancement, and provision of habitat for protected and notable species (including location, number and type of bat and bird boxes, location of log piles or hedgehog features). Such approved measures shall thereafter be implemented in full.

Reason: To ensure a net biodiversity gain in accordance with NPPF; and

Notes from WCC Ecology

Lighting can significantly affect the behaviour of some animals such as bats and other nocturnal mammals, moths and birds, even to the extent of jeopardising their survival or reducing their breeding success. We recommend that where lighting is to be installed or updated, lights should be low pressure sodium with a full cut-off lantern in order to minimise the spread of the light. We also recommend that the lights are put on a timer so that they can be switched off as soon as possible in the evening. We recommend that floodlighting is avoided wherever possible, particularly in rural areas. Lighting should be directed away from vegetated areas, lighting should be shielded to avoid spillage onto vegetated areas and connections to areas important for foraging should contain unlit stretches.

Buildings of all ages and trees with suitable features (i.e. rot-holes, cracks, fissures) are frequently used by roosting bats. Bats and their 'roost' sites are fully protected under the 1981 Wildlife and Countryside Act and the Habitat Regulations 1994 (as amended 2007), making them a European Protected Species. It is a criminal offence to recklessly disturb or

PLANNING COMMITTEE MINUTES (Continued)

No.

Condition

destroy a known or suspected bat 'roost', even if the roost is only occasionally used. Where a bat 'roost' is present a license may be necessary to carry out any works. Further information about species licensing and legislation can be obtained from the Species Licensing Service on 0845 601 4523. If evidence of bats is found during works, work should stop immediately and Natural England must be contacted on 01453 764450 for advice on the best way to proceed.

Work should avoid disturbance to nesting birds. Birds can nest in many places including buildings, trees, shrubs, dense ivy, and bramble/rose scrub. Nesting birds are protected under the 1981 Wildlife and Countryside Act. The main nesting season, lasts approximately from March to September, so work should ideally take place outside these dates if at all possible. NB. Birds can nest at any time, and the site should ideally be checked for their presence immediately before work starts, especially if during the breeding season.

128. W/19/1133– Land at Ward Hill, Warwick Road, Littleworth, Norton Lindsey

The Committee considered an application from Mr A Audhali for a hybrid planning application for the erection of two replacement poultry houses for poultry rearing (pullets) and the repositioning of existing access, and an outline planning application for the erection of a farm manager's dwelling.

The application had been referred to the Planning Committee because of the number of objections received, including one from Norton Lindsey Parish Council.

The officer was of the opinion that the proposed development was considered to be acceptable in principle insofar as the poultry buildings were acceptable in overall terms and the provision of a new worker's dwelling had been justified under Policy H12 of the Local Plan.

The provision of agricultural buildings was considered appropriate development within the Green Belt. Whilst a new dwelling in this location was considered inappropriate development within the Green Belt, very special circumstances were considered to have been demonstrated in that there was a functional need for a worker's dwelling to be provided on the site.

In terms of the access, officers in consultation with Warwickshire County Highways considered the impact on the Highway Network and were not satisfied that safe access could be provided to the site in terms of vehicles serving the site being able to enter and exit in a forward gear. The proposal

PLANNING COMMITTEE MINUTES (Continued)

was considered to be detrimental to highway safety and the proposal was therefore recommended for refusal on this basis.

The following people addressed the Committee:

- Councillor Stobart, Norton Lindsey Parish Council, statement of objection read out by the Civic & Committee Services Manager on his behalf; and
- Councillor Matecki, District Councillor, speaking in objection.

An addendum circulated prior to the meeting advised that an updated Transport addendum had been received on 9 January 2023 from the applicant seeking to address the outstanding matters relating to Highways.

Whilst the Highways Authority had not had the opportunity to fully review the information provided, they had indicated that their earlier objection contained the following: *In order therefore to fully assess the proposal, the Highway Authority will require confirmation from the feed suppliers of their vehicle and also details of the bird collection company in order to establish exactly which vehicles will need to access the site. Once this has been conformed, further swept path analysis of these vehicles will need to be provided.*

Although the addendum contained a table of vehicles, this still had no confirmation from the companies involved, so Highways could not be sure that those were the actual vehicles and not a supposition on the part of the applicant. The Swept path provided was still only for the one vehicle and not for all vehicles as requested.

From this preliminary review, it appeared that insufficient information had been provided to allow the objection from Highways to be lifted.

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

Resolved that W/19/1133 be **refused** because Policy TR1 of the Warwick District Local Plan 2011-2029 states (inter alia) that development will only be permitted that provides safe, suitable, and attractive access routes. Some of the ways through which the policy expects this to be achieved is for development proposals to demonstrate that they are not detrimental to highway safety.

In the opinion of the Local Planning Authority the development proposed fails to demonstrate that vehicles serving the site cannot adequately enter, manoeuvre and exit the site in a forward gear. Due to the nature of the vehicles to be servicing the site, the proposal is considered to inadequately demonstrate that safe and appropriate access can be provided.

PLANNING COMMITTEE MINUTES (Continued)

In the absence of information satisfactorily demonstrating safe and appropriate access can be facilitated the development is considered to be contrary to the aforementioned policy.

129. W/22/1038– Land at Rosswood Farm, Coventry Road, Baginton

The Committee considered an outline planning application from Seven Capital plc, with all matters reserved save for access, for the demolition of the existing bungalow and agricultural units, and the erection of up to 63 residential dwellings (Use Class C3), with public open space, parking, and associated works.

The application had been referred to the Planning Committee because of the number of objections received.

The officer emphasised that the application was submitted in outline, with all matters reserved apart from access. WCC Highways confirmed that the proposed access to the site and associated transport movements had an acceptable impact on highway safety. Notwithstanding this, the applicant had provided an updated indicative layout which demonstrated that the development would have an acceptable impact in terms of landscape character, design and amenity. Furthermore, the indicative layout demonstrated that adequate parking could be provided which met the Council's standards. All other matters could be suitably controlled by condition or would be determined at the reserved matters stage. It was noted that there would be an over provision in the number of units in comparison to the guide set out within the Local Plan. However, as the proposal had demonstrated that the site could accommodate the number of dwellings without a detrimental impact on the wider area, these additional units were considered as a material benefit. The application was therefore recommended for approval.

The following people addressed the Committee:

- Councillor Keightley, Baginton Parish Council speaking in objection; and
- Mr Gill, the applicant, speaking in support.

An addendum circulated prior to the meeting advised of a minor error on page 2 of the officer's report - the gigafactory application approved on the site to the east (Coventry Airport) was W/**21**/1370, not W/20/1370.

The addendum also advised that following amendments to the drainage basin as detailed in the report, the LLFA were consulted and submitted updated comments of an objection, due to insufficient information to demonstrate that there was a viable surface water outfall. The applicant had confirmed that in the first instance, surface water would be discharged to a watercourse (which was the preference of Severn Trent Water) – this was shown on the proposed drainage strategy, and the LLFA accepted this solution in principle. However, the developer required third party agreement to link to the watercourse as it was located within the site to the north, which they did not have at present. An alternative option would be to discharge the surface water to an existing combined sewer network

PLANNING COMMITTEE MINUTES (Continued)

owned by Severn Trent Water to the west of the site. However, Severn Trent Water would only consider this once all other options (i.e. linking to an existing watercourse) had been explored and discounted. Therefore, at that time, there was no confirmed viable surface water outfall solution, and the LLFA maintained their objection.

However, the LLFA had confirmed that infiltration on site could still resolve the surface water drainage concerns, and there were also the aforementioned solutions which were also likely to resolve matters. The LLFA stated that they recognised that there were several options for the developer to explore in regards to an outfall, and that it was just a matter of exploring them to ensure the proposals utilised a viable outfall and provided sufficient information in support of this. On this basis, the application was still recommended for approval, subject to the conditions listed in the report, a Section 106 Agreement to secure the necessary financial contributions/obligations, and subject to the developer being able to demonstrate an acceptable surface water drainage scheme. If a suitable outfall could not be agreed, then authority would be delegated to officers to refuse planning permission on the basis of a conflict with Local Plan Policy FW2 (sustainable drainage) and paragraph 167 of the NPPF. The other recommendations contained within the report regarding officer recommendations remained the same.

(At 19:38, the meeting was adjourned for 13 minutes for a comfort break.)

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

Resolved that W/22/1038 be **granted** subject to

- a) a Section 106 Agreement to secure the necessary financial contributions/obligations in relation to health services, sports facilities, education services, libraries, sustainable travel packs, provision of public open space, public rights of way, road safety initiatives, biodiversity offsetting, private amenity space offsetting and affordable housing. Authority be delegated to the Head of Place, Arts and Economy to finalise the terms of the Section 106 agreement including any variation to, or clarification of, the sums requested where the revised sums meet the relevant statutory test. Should a satisfactory Section 106 Agreement not have been completed by 7 February 2023, authority be delegated to the Head of Development Services to refuse planning permission on the grounds that the proposal makes inadequate provision in respect of the issues the subject of that agreement;
 - b) the developer being able to demonstrate an acceptable surface water drainage scheme. If a
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PLANNING COMMITTEE MINUTES (Continued)

suitable outfall cannot be agreed, then authority be delegated to the Head of Place, Arts and Economy refuse planning permission on the basis of a conflict with Local Plan Policy FW2 (sustainable drainage) and paragraph 167 of the NPPF;

- c) authority be delegated to the Head of Place, Arts and Economy to agree such conditions as deemed necessary to provide an acceptable surface water drainage scheme for the site;
- d) an additional condition requiring the applicant to demonstrate safe cycle access to the site and connectivity to the closest cycle routes, and a plan showing cycling routes through the site, which will inform any reserved matters application when it is brought forwards;
- e) an amendment to condition 9 to require that the development is in accordance with any relevant adopted sustainability supplementary guidance;
- f) a note referring the applicant to the Council's emerging Net Zero Carbon DPD in discharging the requirements of condition 9 as a relevant consideration; and
- g) the following conditions:

No.	Condition
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- | | |
|-----|---|
| (1) | details of the following reserved matters for the development shall be submitted to and approved in writing by the local planning authority before any part of that phase of the development is commenced:
the layout of the phase and its relationship with existing adjoining development; the scale of the buildings; the appearance of the buildings; and the landscaping of the site. |
|-----|---|

The development shall be carried out in full accordance with these reserved matters as approved.

Reason: To comply with Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2015 (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. |
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PLANNING COMMITTEE MINUTES (Continued)

No.

Condition

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 development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan PL001 and specification contained therein, submitted on 20th June 2022.

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

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

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | <p>The development hereby permitted shall only proceed in strict accordance with the approved CMP.</p> <p>Reason: In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029;</p> |
| (6) | <p>prior to the commencement of the development hereby approved (including all preparatory work), an Arboricultural Method Statement, including a tree protection plan, for the protection from harm during the development of all the trees identified for retention shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved Arboricultural Method Statement.</p> <p>Reason: In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029;</p> |
| (7) | <p>the development hereby permitted, including site clearance work, shall not commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the District Planning Authority. In discharging this condition the LPA expect to see details concerning pre-commencement checks for badger, bats, breeding birds and appropriate working practices and safeguards for wildlife that are to be employed whilst works are taking place on site. The agreed Construction Environmental Management Plan shall thereafter be implemented in full.</p> <p>Reason: To ensure that protected species are not harmed by the development, in accordance with the National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Policies NE2 and NE3 of the Warwick District Local Plan 2011-2029;</p> |
| (8) | <p>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</p> |

No.

Condition

District Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as native species planting, wildflower grassland creation, woodland and hedgerow creation/enhancement, and provision of habitat for protected and notable species (including location, number and type of bat and bird boxes, location of log piles and hedgehog houses). Such approved measures shall thereafter be implemented in full.

Reason: To ensure a net biodiversity gain in accordance with NPPF;

- (9) notwithstanding details contained within the approved documents, prior to commencement of development, a Sustainability Statement including an energy hierarchy scheme and a programme of delivery of all proposed measures shall be submitted to and approved in writing by the Local Planning Authority. The document shall include:
- a) How the development will reduce carbon emissions and utilise renewable energy.
 - b) Measures to reduce the need for energy through energy efficiency methods using layout, building orientation, construction techniques and materials and natural ventilation methods to mitigate against rising temperatures.
 - c) How proposals will de-carbonise major development.
 - d) Details of the building envelope (including U/R values and air tightness);
 - e) How the proposed materials respond in terms of embodied carbon.
 - f) Consideration of how the potential for energy from decentralised, low carbon and renewable energy sources, including community-led initiatives can be maximised.
 - g) How the development optimises the use of multi-functional green infrastructure (including water features, green roofs and planting) for urban cooling, local flood risk management and to provide access to outdoor space for shading.

PLANNING COMMITTEE MINUTES (Continued)

No.

Condition

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

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

- (10) 1. With the exception of demolition, no development shall take place until: -
- a) A supplementary site investigation has been undertaken in accordance with the recommendations of the approved geo-environmental assessment report. 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.
 - b) 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.

PLANNING COMMITTEE MINUTES (Continued)

No.

Condition

All development of the site shall accord with the approved method statement.

2. If during development, contamination not previously identified, is found to be present at the site then no further development shall take place (unless otherwise agreed in writing with the local planning authority for an addendum to the method statement). This addendum to the method statement must detail how this unsuspected contamination shall be dealt with.

3. 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 BE3 and NE5 of the Warwick District Local Plan 2011-2029;

- (11) the development hereby permitted shall not commence unless and until a hard and soft landscaping scheme has been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the

No.	Condition
	completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations.

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

- (12) prior to the occupation of the dwellings hereby permitted, one 3.7kW (minimum) electric vehicle recharging point per dwelling with a dedicated parking space and one per 10 unallocated residential spaces shall be installed. Prior to installation, the following details shall be submitted to and approved in writing by the Local Planning Authority (LPA):
- (1). Plan(s)/ drawing(s) showing the location of the electric vehicle recharging points; and
 - (2). A technical data sheet for the electric vehicle recharging point infrastructure confirming the charging speed in kWh.
- Thereafter the electric vehicle recharging points shall be retained in accordance with the approved details and shall not be removed or altered in any way (unless being upgraded).

Reason: To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document;

- (13) the development hereby permitted shall not be occupied 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 approved scheme shall be implemented in full prior to occupation of any dwelling to the satisfaction of the Local Planning Authority.

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | Reason: In the interests of Public Safety from fire and the protection of Emergency Fire Fighters; |
| (14) | prior to occupation of any part of the approved development, a verification report demonstrating completion of the works set out in an approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure the protection of Controlled Waters (notably the underlying Secondary A and Principal aquifers) and to confirm any remedial works where required are completed to a satisfactory standard; |
| (15) | as part of a future reserved matters application pertaining to scale and/or layout, a supplementary noise assessment and scheme of mitigation including detailed arrangements to protect residents of the development from excessive road traffic and excessive aircraft noise entering habitable rooms, and shielding garden areas from excessive road traffic noise, shall be submitted to and approved in writing by the local planning authority. Once approved the scheme shall be implemented in accordance with the approved details and shall be retained thereafter.

Reason: To ensure that future occupants do not experience unacceptable levels of noise, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029; |
| (16) | the development shall not be occupied until the vehicular access into the application site have been provided, as shown indicatively on Drawing Number PL003 Rev J and constructed to the standard specification of the Local Highway Authority.

Reason: In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029; |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| (17) | <p>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 "Warwick District Council Provision of a Mix of Housing" SPG.</p> <p>Reason: To ensure that the housing meets the needs of the District as required by Local Plan Policy DS7 and the NPPF;</p> |
| (18) | <p>the construction of the estate roads serving the development including footways, verges and footpaths shall not be other than in accordance with the standard specification of the Highway Authority.</p> <p>Reason: To ensure that a footways, verges and footpaths are constructed to a satisfactory standard when the development is completed thereby enabling safe and convenient access to and egress from the site in the interests of the safety of road users and pedestrians in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;</p> |
| (19) | <p>no dwelling shall be occupied until the estate roads (including footways) serving it have been laid out and substantially constructed to the satisfaction of the Highway Authority in accordance with the details approved in writing by the Local Planning Authority.</p> <p>Reason: To ensure that a estate roads are constructed to a satisfactory standard when the development is completed thereby enabling safe and convenient access to and egress from the site in the interests of the safety of road users and pedestrians in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;</p> |
| (20) | <p>the development hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved has been submitted to and approved in writing by the Local Planning Authority. No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit in strict accordance with the approved details</p> |

PLANNING COMMITTEE MINUTES (Continued)

No.

Condition

and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

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

- (21) no lighting or illumination of any part of any building or the site shall be installed or operated unless and until details of such measures (including details of hours of operation) 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. In discharging this condition the District Planning Authority expects lighting to be restricted around the boundary edges/hedgerows 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.

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

- (22) the existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted. Any tree(s) or shrub(s) removed, dying, or being severely damaged or diseased or becoming, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, [as soon as practicable/ within the next planting season] with tree(s) and shrub(s) of the same size and species as that originally planted. All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations (excluding hard surfaces).

Reason: To protect those landscape features which are of significant amenity value and

PLANNING COMMITTEE MINUTES (Continued)

No.

Condition

which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.

130. Appeals Report

The appeals report had not been published and therefore was not considered at the meeting.

(The meeting ended at 8.31pm)

CHAIRMAN
25 April 2023

Application No: [W 21 / 1280](#)

Town/Parish Council: Burton Green

Case Officer: Lucy Hammond

01926 456534 lucy.hammond@warwickdc.gov.uk

Registration Date: 02/07/21

Expiry Date: 01/10/21

Land South of Westwood Heath Road, Burton Green, Coventry

Reserved Matters application pursuant to condition 2 of planning permission W/17/2357 for details of appearance, landscaping, layout and scale of 296 dwellings for the remaining phases 2, 3 and 4 of the site, together with public open space, landscaping and associated works. FOR Crest Nicholson Operations Limited

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

RECOMMENDATION

That planning permission be granted subject to the conditions set out at the end of this report.

DETAILS OF THE DEVELOPMENT

This application seeks reserved matters approval for the remaining residential phases (referred to as phases 2-4) of the Westwood Heath development, originally granted as a hybrid planning permission where Phase 1 (129no. dwellings) was permitted in detail and the remainder of the site was approved in outline, to include up to 425no. dwellings (including the 129no. permitted in detail), a convenience store of up to 400sq.m., open space and associated infrastructure, access and ancillary works.

The reserved matters approval before Members proposes a total of 296no. dwellings together with public open space, landscaping and associated works and seeks approval for appearance, landscaping, layout and scale. Access formed part of the original hybrid permission and is not a matter for consideration at this time.

THE SITE AND ITS LOCATION

The site is irregular in shape and comprises approximately 24 hectares of agricultural land. The site edged red which forms the subject of this application for the residential phases 2-4 comprises a little under 17 hectares and excludes the north east corner of the site on which the detailed phase 1 has already been approved. The whole site lies immediately south of Westwood Heath Road and is bounded by Bockendon Road to the east. The rear gardens of properties in Cromwell Lane define the western edge of the site. The southern edge is defined by the edge of Black Waste Wood and the existing mature hedgerows. There is a

change in levels across the site from east to west of some 30 metres, while the change in levels from north to south is less significant. An oil pipeline runs across the north east corner of the site which requires a 6m easement.

The site makes up site allocation H42 in the Warwick District Local Plan 2011-2029. Policy DS11 identifies this as one of the edge of Coventry allocations; anticipated for development of 425 dwellings including a health centre, community facilities and retail facilities (a convenience store of no more than 500 sq.m. gross floor space). The site was taken out of the Green Belt as part of the Local Plan allocation.

For the avoidance of doubt, in terms of on-site health care provision, it was established during the hybrid application that the South Warwickshire and Coventry and Rugby CCGs were looking at the existing provision of health care across the area and rather than require a health centre on this site, would require financial contributions instead to go towards the improvement/extension of otherwise of existing facilities. The S.106 agreement for the site sets out the requisite financial obligations in this regard.

During the course of the original hybrid application, a site known as "the Moat", located some 50 metres south of the application site, was designated as a scheduled ancient monument. There are no other relevant designations.

Work is currently underway in pursuance of the original hybrid permission and some of the dwellings approved in the detailed phase are under construction.

PLANNING HISTORY

W/17/2357 - Hybrid planning application for the erection of up to 425 dwellings (detailed first phase of 129 dwellings with the remainder of the site being outline including details of access), convenience store of up to 400 sqm gross together with the erection of formal and informal open space including allotments, infrastructure provision and associated work together with means of access onto Westwood Heath Road and agricultural access onto Bockendon Lane – Granted

W/21/0427 - Variation of conditions 4 (approved plans) and 26 (approved plans in relation to highway works) of planning permission W/17/2357 (*Hybrid planning application for the erection of up to 425 dwellings [including detailed first phase of 129 dwellings with remainder of the site being outline including details of access], convenience store, open space, infrastructure provision and means of access onto Westwood Heath Road / agricultural access onto Bockendon Lane*) to allow changes to the house types and the layout of the secondary roads within the detailed phase (129 dwellings) of the site - Granted

W/22/0055 - Variation of condition 4 (approved plans) and 24 (approved Design Code) of planning permission W/21/0427 (*Variation of conditions 4 and 26 (approved plans) of original hybrid planning permission W/17/2357 to allow changes to the house types / layout of the secondary roads within the detailed phase of 129 dwellings*) to allow the substitution of some house types together with other minor design and layout alterations to the Phase 1 layout. An

amendment to the Design Code is also sought to include a reference to a small number of 2.5 storey dwellings across the development - Granted

There have also been some non-material amendments approved for minor changes such as design changes to the affordable flats, as well as adding to the list of approved drawings, the set of landscaping drawings which had been omitted from the original decision notice in error.

RELEVANT POLICIES

- National Planning Policy Framework

Burton Green Neighbourhood Development Plan 2019-2029

- BG2 - Trees and Hedges (NE)
- BG3 - Wildlife and Biodiversity (NE)
- BG4 - Public Rights of Way (NE)
- BG6 - Valued Vistas and Skylines (NE)
- BG7 - Responding to Local Character (BE)
- BG8 - Community Aspects of Design (BE)
- BG12 - Electric Charging Points (BE)
- BG13 - Parking Provision (BE)
- BG14 - Use of Renewable Energy (BE)
- BG15 - Flooding (BE)

Warwick District Local Plan 2011-2029

- DS5 - Presumption in Favour of Sustainable Development
- DS11 - Allocated Housing Sites
- DS15 - Comprehensive Development of Strategic Sites
- DS20 - Accommodating Housing Need Arising from Outside the District
- PC0 - Prosperous Communities
- H0 - Housing
- H1 - Directing New Housing
- H2 - Affordable Housing
- H4 - Securing a Mix of Housing
- SC0 - Sustainable Communities
- BE1 - Layout and Design
- BE2 - Developing Strategic Housing Sites
- BE3 - Amenity
- TR1 - Access and Choice
- TR2 - Traffic generation
- TR3 - Parking
- HS1 - Healthy, Safe and Inclusive Communities
- HS4 - Improvements to Open Space, Sport and Recreation Facilities
- HS6 - Creating Healthy Communities
- HS7 - Crime Prevention
- CC1 - Planning for Climate Change Adaptation
- FW1 - Development in Areas at Risk of Flooding
- FW2 - Sustainable Urban Drainage

- HE1 - Protection of Statutory Heritage Assets
- HE4 - Archaeology
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources
- DM1 - Infrastructure Contributions

Guidance Documents

- Residential Design Guide (Supplementary Planning Document- May 2018)
- Open Space (Supplementary Planning Document - April 2019)
- Parking Standards (Supplementary Planning Document- June 2018)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- Strategic Local Plan Site H42 Westwood Heath

SUMMARY OF REPRESENTATIONS

Burton Green Parish Council: Objection on the following grounds:-

- Housing mix is not appropriate; significantly different to the approved (detailed) Phase 1 application, number of 1-bed flats is out of character with the area;
- Concern about increased traffic and pollution
- Concern about increased demand on school places
- Flawed ONS population projections for Coventry
- Insufficient information provided about biodiversity offsetting
- Electric vehicle charging points should be mandatory for every new dwelling

[Officer note - the first point above is relevant to the consideration of the reserved matters application but all the other points raised were either considered at the time of the original hybrid application and/or are matters which are covered by condition i.e. details would need to be submitted and approved prior to the commencement of any phase of the development.]

WCC Highways: No objection subject to conditions

[Officer note - suggested conditions are awaited from WCC Highways at the time of writing this report; as such, relevant conditions and their wording will be reported in the updates to planning committee)

WDC Housing: No objection

WDC Conservation: No objection

Health & Community Protection - Environmental Sustainability: No objection; note that there are conditions on the outline which are still required to be discharged pursuant to these phases

Waste Management: No objection subject to suitable provision per plot

Open Space: No objection; comments offered on particular areas in relation to landscaping, biodiversity

WCC Landscaping: No objection; final comments offered on boundary treatments and planting species in specific areas of the development

WCC Ecology: No objection

Forestry Commission: Neither objection nor support but provision of standing advice

LLFA: Insufficient information on surface water management to be able to provide detailed comments

[Officer note - surface water management is dealt with by condition on the original hybrid permission. Further consideration on this point is set out in the report]

WCC Public Rights Of Way: No objection; advisory notes to be attached

Designing Out Crime Officer: No comments to make

Birmingham Airport: No comments to make

British Pipeline Agency: No objection; standing advice given and advisory note to be attached

Coal Authority: No objection; standing advice provided

Public response:

31 objections raising the following material planning considerations:

- highway infrastructure cannot support further development
- proposals will lead to an increase in traffic movements
- development will urbanise the area
- detrimental to wildlife and other ecological features
- harmful to the character of the area
- insufficient infrastructure such as doctors and schools
- additional 4/5 bed houses changes the dynamic of the village
- impact on air quality
- increased noise
- affordable units should be restricted to local occupancy and prohibited from being used as 'buy to let' for student rent
- development density is too high
- loss of privacy
- harmful to the rural landscape and general character of the area
- harm to the scheduled ancient monument to the south of the site
- concerns in relation to drainage

- there are areas on the plans not showing any development and there are concerns about potential future development
- concerns about the proposed housing mix

Other non-material planning considerations raised, as well as numerous comments made (some listed above) which relate to the principle of development, already approved at outline stage and as such are not matters for this application. This is covered within the report.

1 general comment raising no material planning considerations.

ASSESSMENT

History/Background

A hybrid planning permission has been approved on the site for the erection of up to 425 dwellings (the detailed first phase of 129 dwellings with the remainder of the site being outline including details of access), convenience store of up to 400 sqm gross together with the erection of formal and informal open space including allotments, infrastructure provision and associated work together with means of access onto Westwood Heath Road and agricultural access onto Bockendon Lane.

The approval of the aforementioned permission has therefore granted the principle of development for up to 425 dwellings across the site in its entirety as well as a convenience store, public open space, allotments and all associated works. It is noted that 129 dwellings (phase 1) have already been approved in detail as part of the hybrid permission leaving the remaining phases of the wider site (for up to 296 dwellings) and the convenience store to a future reserved matters application (or applications).

This particular reserved matters application seeks approval for the remaining residential phases of the development (referred to as phases 2-4) but does not include the convenience store. Whilst its location is shown on the submitted layout, which concurs with the approved outline and Design Code, no specific details have been submitted for this aspect of the development and it is anticipated this will form the basis of a separate, subsequent reserved matters application.

It is worth noting that the site on which reserved matters approval is being sought forms part of the allocated housing site H42 [Westwood Heath] in the Local Plan and Policy DS11 sets out the number of dwellings and other infrastructure requirements anticipated for the site as a whole. It is also worth noting, by way of a reminder following the approved hybrid application, that DS11 further makes it explicit (at 2.49) that in view of the infrastructure constraints, especially along the strategic and local highways network, the housing to be provided on the site is capped at 425 during the current plan period.

Noting many of the comments which have been received by neighbours and third parties it should be remembered that not only has the principle of development at this site for residential-led, mixed use development been accepted, the Local Plan also made specific provisions for this site in terms of restricting the numbers of

dwellings to be built in this plan period which is explicitly related to the existing infrastructure and highway network.

In further noting third party comments, the hybrid permission was subject to a S.106 agreement which captured a number of obligations in relation to education, healthcare, highway works, indoor/outdoor sports, public open space, SUDs, affordable housing, biodiversity offsetting and other relevant obligations.

As a final point in setting out the background to this application, it is noted that although the current proposals have been under consideration by the Local Planning Authority for some time, during the process, the development has been the subject of a number of amendments which have been made mostly in response to the comments of statutory consultees but which have also sought to address initial officer concerns in matters relating to the housing mix, affordable housing provision and distribution, layout and parking.

Matters to be considered

As this is an application for the approval of reserved matters, it is not possible to reconsider the principle of development or the overall number of dwellings. As set out above, this was considered in the assessment of the hybrid planning application and was found to be acceptable. The outline planning permission also approved the vehicular accesses to the site from Westwood Heath Road as well as the location and physical construction of the element of the spine road serving the detailed phase 1 of the development.

Consideration of the current application therefore can only include issues related to the detailed appearance, landscaping, layout and scale of the 296 dwellings proposed by Crest Nicholson.

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

- Design and layout;
- Housing mix;
- Landscaping and open space provision;
- The impact on heritage assets;
- The impact on the living conditions of nearby dwellings;
- Standards of amenity for future occupiers;
- Highway safety/car parking;
- The ecological impact of the proposals;
- Drainage and flood risk;
- Sustainability; and
- Any other relevant considerations.

Design and layout

The Garden Towns, Villages and Suburbs Approach

Though explicitly referencing Leamington, Warwick and Kenilworth, the general principles of this document are still relevant to the south of Coventry development

sites as this prospectus seeks to bring together the key characteristics of the garden suburbs and villages approach, which include coherent and well-planned layouts and high-quality design. The site is considered to fall within the category of 'neighbourhood edge', lying at the edge of the developable area and adjoining countryside.

The proposed scheme would provide a high quality residential environment which conforms to the garden suburb design principles exhibiting the characteristics of a leafy, well designed residential neighbourhood within which open space and structural landscaping is an integral part, paying particular regard to the areas of public and incidental open space to the north and eastern edges of the development (already approved in detail as part of the hybrid permission) as well as through the centre of the site and the western and southern edges. The tree lined boulevard approach was adopted for the main spine road into the development as part of the detailed element of the hybrid permission and is continued through the remaining phases, following a circular route down and back through the development encouraging permeability and legibility.

From the spine road, the development provides a legible hierarchy of streets and spaces with secondary and tertiary roads as well as a number of private drives.

The layout provides well defined perimeter blocks with frontages and rear gardens providing an acceptable level of amenity space and ample space for soft landscaping opportunities that would add to the verdant, garden suburb character. The central area of these phases comprises an oval shaped central green and LEAP surrounded on all sides by tree planting, onto which a number of properties, both market and affordable, would face on both sides. This provides a positive outlook for future occupiers of those particular units as well as providing natural surveillance onto it.

The Design Code

The original hybrid permission included as part of the supporting documents a Design Code for the whole site which formed part of the approved permission. This document has been updated more recently to take account of the proposed inclusion of a small number of 2.5 storey properties in key or other prominent locations, without increasing the maximum ridge height of 9.5m approved in the Code. While this relates to the whole site it incorporates the larger area of the site on which this particular application now seeks the approval of reserved matters for 296 dwellings.

A Design Code Compliance Statement was submitted with the application demonstrating in detail how the proposed design and layout of phases 2-4 comply with the approved Design Code (most notably within Section 5: 5.0 – 5.11). Officers are satisfied that the development proposed has taken into consideration all the relevant principles within the approved Design Code appertaining to this part of the wider site and to that end find no conflict with the approved document.

General design and layout considerations

In line with the outline permission and the approved Design Code, the site is predominantly proposed as two storey although there is a small number (9 in total) of 2.5 storey dwellings, which are proposed around the Central Green and generally found on corner plots or otherwise in a prominent position along the spine road centrally opposite the green space. While no bungalows are proposed in these phases, it is noted that the Design Code sets out a vision for the development which is made up almost entirely of two storey properties and moreover there is no particular need for bungalows set out either in the most recent Housing Needs Survey (2018) or the more recent Neighbourhood Development Plan (2022). Overall, officers are satisfied that the layout in this regard is compliant with the approved Design Code.

The whole development is predominantly made up of detached and semi-detached properties, with some very limited terracing sporadically placed throughout. Any rows of terraces consist of no more than four units which are considered to be appropriate in visual terms.

Officers have considered the proposed layout of the dwellings and how these relate to the internal road network, the wider spine road and how this phase will relate to the already approved phase 1. It is considered that the layout represents an efficient use of land and results in a well-spaced and legible layout that accords with the general design principles set out in the aforementioned design guidance as well as the approved Design Code. Moreover, there is a substantial amount of green space proposed as part of this wider development which is considered in more detail in the relevant section of this report below.

With respect to bin storage, a refuse strategy plan shows bins being stored largely within rear gardens, or, for example in the case of maisonettes, in a dedicated bin storage area. Bin collection points are also annotated on the plan and shown to be positioned within the requisite distances set out in the relevant guidance. The Waste Management team has raised no objection to the scheme providing the appropriate provisions are made, which officers are satisfied is the case and the development is therefore considered to be acceptable in this regard.

In terms of appearance, this phase of the development is split into two character areas; the Village Core, to the north western corner and the Southern Heart which covers the lower (southern) half of the whole site. While the over-arching sense is still two storey dwellings across the whole development, each of these areas would contain design characteristics and materials reflective of its particular area and is wholly in accordance with the Design Code.

The proposed densities are also designed to reflect the characteristics of the individual character areas. The Village Core represents the highest density area (the Design Code allows for 40-50dph) as this part of the development fronts Westwood Heath Road and lies in closest proximity to the established settlement and built form to the west and north of the development site. The Southern Heart represents the lowest density (30-40dph in the Design Code) since this forms the edge of built development and offers the transition into the adjoining countryside. There are other features within this Southern Heart such as large areas of open space, informal areas for sport and recreation, opportunities for biodiversity

offsetting and the provision of an additional buffer to separate the new development from the heritage asset to the south which is considered in further detail in the relevant section below.

The actual densities calculated for both areas based on the proposed layout are broadly in the region of 35dph for the Village Core and 28dph for the Southern Heart, each falling below the averages stipulated in the Design Code but still, in officers' view, representing an effective use of land.

A wide range of house types is proposed across the market and affordable units which would ultimately lead to a varied character and appearance within the finished development. Various design elements suggested by the Design Code have been incorporated into the proposals where appropriate, including features such as chimneys, porches, gables and gablets, bay windows, arched heads and eaves detailing. Dormer windows are limited (but appropriate) to just a handful of house types and add visual interest to the street scene.

A materials plan has been submitted with the application which reflects the design principles and character area traits set out within the Design Code illustrating that the dwellings will be constructed from a mix of different bricks, incorporating both solid and multi bricks which would blend well together. The use of render is also proposed, though this would mostly be reserved for upper floors and/or gable features on buildings.

Notwithstanding these details, it is considered appropriate to condition samples of materials given the wide range proposed across the development to ensure that the mix proposed results in an acceptable finish and appearance.

Overall, officers consider that the proposed design and layout would result in an appropriate form of development in visual terms and would not give rise to any harm to the general character of the area. Accordingly, it is considered the development accords with Policy BE1 of the Local Plan and BG7 of the Burton Green NDP.

Housing mix

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

Market Housing

Bedrooms	Total	Suggested Mix	Actual Mix	Difference
1-bedroom	6	5 - 10%	3.4%	- 1.6%
2-bedroom	50	25 - 30%	28%	+/- 0%

3-bedroom	71	40 - 45%	39.9%	- 0.9%
4-bedroom	51	20 - 25%	28.6%	+ 3.6%
Total	178	100%	100%	

Having regard to the table above, it is noted that the 1-beds are slightly under provided while the 4+ beds are slightly over provided; the 2-beds and 3-beds are broadly in line with the above-mentioned ranges.

Factored into this assessment is also the detailed phase 1 layout which over provided on the 3-beds and 4+ beds, while the 2-beds were under provided. When taken altogether and the mix is considered across the development as a whole, the market mix is broadly in line with the ranges set out above, noting only a slight over provision on the 4 beds.

In relation to this, officers have had regard to two additional points for consideration. Firstly, the housing mix has been the subject of significant amendments through the course of this application, not only in response to officer concerns about the housing mix as initially proposed but also in response to the Parish Council's concerns about the same as well as a number of third parties. The substantial changes made to the totals of all dwelling types are noted, but in particular, the 2-beds which have been increased from 32no. to 50no. and the 5-beds which have been reduced from 45no. to 27no.

The second point, which is intrinsically linked to the changes made, is in relation to the character areas within Phases 2-4. The majority of the site edged red for this reserved matters application comprises the 'Southern Heart' character area which is the lowest density area and contains the highest proportion of green space. The mix of house types is considered balanced overall, however the proportion of larger units found towards the southern edge of this character area is typical of the rural edge and transition to adjoining countryside that this part of the development represents.

Taking all of the above into account, officers are satisfied with the amended housing mix, do not consider it damaging to the market mix across the development when taken as a whole, and are satisfied that the mix is in conformity with the guidance (2018). These phases are therefore considered acceptable.

Affordable Housing

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

Bedrooms	Total	Suggested Mix	Actual Mix	Difference
1-bedroom	38	30 - 35%	32.2%	+/- 0%
2-bedroom	45	25 - 30%	38.1%	+ 8.1%
3-bedroom	31	30 - 35%	26.3%	- 3.7%
4-bedroom	4	5 - 10%	3.4%	- 1.6%

Total	118	100%	100%	
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The total number of affordable units proposed in these phases equates to the 40% provision required by Policy H2. In terms of the tenure splits proposed, the Housing Officer confirms they are broadly in line with the expectations, noting a slightly higher proportion of social rent. However, since the small variation is in favour of extra social housing units, the proposed mix is considered acceptable.

As for the size and type, the proposals do not precisely match the expected breakdown, but they are still considered within tolerance since they prioritise the delivery of 1-bed accommodation which is in high demand.

Overall, the proposed mix, type and tenure split is considered acceptable by the Housing Officer and no objections are raised to the proposals. The latest version of the amended layout, following a number of changes being made to better disperse the affordable units throughout the whole development, is now considered acceptable by officers. The affordable units are distributed evenly across the development, but perhaps more importantly are located in more prominent areas such as fronting the spine road and on secondary and tertiary routes rather than solely focussed onto private drives. There are greater prospects for social integration and a more cohesive feel to the development and notably limited opportunities for areas of the development to feel as though they are only accessible to occupiers of the affordable units.

The development is considered overall to have addressed all previous concerns regarding housing mix, tenure splits and distribution of affordable units and is now considered acceptable.

Landscaping and open space provision

One of the benefits of this whole development, in officers' view, is the amount of landscaping and green space proposed; made up of public open space, incidental open space, both formal and informal areas of play together with amenity space, allotments and land specifically reserved for biodiversity offsetting.

The Open Space officer has confirmed, based on the typologies plan submitted, that there is an over provision of every typology proposed, which is welcomed. Amongst the more detailed comments were some suggestions and/or commentary regarding specific details such as locations/types of bins, benches, play equipment etc. It is noted that the most recent set of amended landscaping plans have sought to address the comments from the Open Space officer and officers note that there are no objections from the Green Space team. It is further noted that as part of the outline permission, there is a requirement to formally discharge the S.106 obligations in relation to the public open space and the play areas (LEAP and NEAP). Further details and specifications will be required to ensure that such aspects of the development conform to the Green Space requirements and are deemed acceptable. For the purposes of this reserved matters application therefore, the landscaping plans presented are considered acceptable.

There are no objections from the County Landscape officer who, in their latest response, raised two final points for consideration. The first relates to the proposed landscaping of the boundary between Plots 130 and 147 and the area to the north, reserved for the mixed use/convenience store. The enclosures plan illustrates that this would be bounded by a 1.8m close board fence which is not unusual given that this boundary marks the private gardens and side facing boundaries of two residential dwellings which would adjoin the convenience store land at its southern edge. The layout plan suggests some tree planting along this boundary, which it is anticipated would be on the northern side of the boundary, i.e., within the site of the mixed use/convenience store. While the reserved land is within the site edged red, no details have been included for the convenience store as part of this reserved matters application which focuses entirely on the residential phases of development. To that end, when a separate reserved matters application is submitted for the mixed use/convenience store, it is anticipated (and will be expected) that additional tree planting and soft landscaping will be included along this boundary further enhancing the buffer between the mixed use development and the residential development to the south, as per the comments of the landscape officer.

The secondary point made by the landscape officer relates to plant species, advising that there is a preference for varieties of Vinca not to be used within planting schemes. Given that the soft planting scheme is considered acceptable overall, it is considered sufficient to place an advisory note on any forthcoming permission that makes the developer aware of the landscape officer's preference in this regard.

The development includes the provision of allotments which would be located towards the western edge of the scheme, within a wider area of public open space. Full details of the allotments have not been included with this application which was noted by the Open Space officer. However, in this particular case, it is not yet known who will be managing the allotments (i.e., a Management Company, the Parish Council or other). The preferences and requirements of whoever ultimately manages this area may differ which in turn would have implications on the specification and layout of the allotments. To that end, landscaping details have been excluded from the landscaping information submitted with this application and officers consider it reasonable to impose a condition requiring these details to be submitted for formal approval at such times it becomes known who the responsible body will be.

Overall, officers are satisfied that the proposed landscaping is in accordance with the approved Design Code, there are no objections from the relevant consultees, any areas of concern have been suitably addressed through revised landscaping plans and/or will be dealt with at the appropriate time (by further condition and S.106 obligation discharge). Accordingly, the scheme is acceptable and complies with Policies NE4 and HS4 of the Local Plan and BG2 of the Burton Green NDP.

The impact on heritage assets

Considerable importance and weight should be given to the duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, when making

decisions that affect listed buildings and conservation areas respectively. These duties affect the weight to be given to the factors involved.

Policy HE1 of the Local Plan expects development proposals to have appropriate regard to the significance of designated heritage assets. Where any potential harm may be caused, the degree of harm must be weighed against any public benefits of the proposal. Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The nearest neighbouring property to the south of the development site known as The Moat is a Scheduled Ancient Monument. This was designated during the course of assessing the original hybrid application (before it was determined) and accordingly, provision was made to limit the impacts of development on its setting through a planning condition requiring a management plan for the area of public open space to the southern edge of the site. This planning condition has since been approved and the reserved matters proposals ensure that there remains a significant buffer between the southern edge of built form within the site and The Moat. The conservation officer has confirmed there are no objections to the scheme and officers are satisfied that there would be no harmful impacts to the setting of the heritage asset.

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

The impact on the living conditions of nearby dwellings

Given the location of the application site and the character of the surrounding area, there are not many existing residential properties in close proximity of the proposed new dwellings which are likely to be impacted by the development. The area most likely to be affected is to the western edge of the development where there are some properties located via a private drive off Westwood Heath Road and one neighbouring property to the south (The Moat). The distance separation involved is such that officers are satisfied there would be no material harm by reason of loss of privacy, loss of outlook or loss of light, to the amenity of existing residential properties and as such the development accords with Policy BE3.

Standards of amenity for future occupiers

The Council's adopted Residential Design Guide (2018) sets standards for the distance separation between the windows of habitable rooms in dwellings. The development proposes a layout where these minimum separation requirements are satisfied, and garden size standards set out in the RDG are either met or exceeded across the development. Overall, officers are satisfied that the scheme creates a general character of spaciousness, which positively meets the aims and

objectives of the garden suburb prospectus and ensures a good standard of amenity for future occupiers. The development is therefore considered to be compliant with Policy BE3.

Highway safety / car parking

There are two entry points into the development. Both are off Westwood Heath Road to the north, and both are located within the site edged red appertaining to the detailed phase 1 development which formed part of the original hybrid permission. Access therefore does not form one of the reserved matters for which approval is being sought as this has already been established under the original permission. Approval is sought however for the layout of the remaining parts of the spine road which runs through phases 2-4.

While the Highway Authority initially raised objection to the application, this was based primarily on detailed matters concerning the layout, and the need for additional information and clarification. Following a substantial period of discussion between the applicants, the Local Planning Authority and the County Highway Authority together with the submission of various revised drawings, additional information and a Stage 1 Road Safety Audit (RSA) the Highway Authority has stated that previously identified issues and concerns have since been addressed.

Now that all outstanding matters have been resolved, the Highway Authority has removed its objection. At the time of writing this report however any recommended conditions from a highway perspective have not yet been received by the Local Planning Authority but should there be any, it is anticipated these will be received shortly and will be added to the updates sheet reported to the Planning Committee (as well as being added to the draft list of conditions at the end of this report upon which the approval of permission would be dependent).

Each property has an appropriate level of parking in accordance with the Council's adopted Parking Standards SPD. It is acknowledged that some 4-bed properties would gain their third parking space from the proposed garage but on this point amended plans have been received to ensure that where this is the case, the garages have been designed to meet the internal dimensions set out within the Parking Standards SPD. It is considered appropriate to add a condition to any forthcoming permission requiring the garages on those particular plots to be retained for vehicle parking in perpetuity. Accordingly, officers are satisfied there would be no detriment to highway safety.

In terms of parking layout, the development has endeavoured to keep parking to the sides of dwellings, in tandem if necessary, with individual drives as opposed to rows of parking spaces creating parking bays in the street. Amended plans have been received throughout the course of the application showing previously proposed areas of frontage parking substantially reduced thus keeping it to a minimum across the development as a whole. Where it has been unavoidable, it has been designed in rows of no more than 3-4 spaces, in accordance with the Design Code, and interspersed with landscaping features, such as low-level hedging and ornamental planting to help soften the effects and break it up in the street scene.

Overall, officers are satisfied that the development is adequately provided for in terms of parking, the parking layout is acceptable from a design point of view and there would be no detriment to highway safety as a result of the proposed layout.

Overall, the development is not considered to be detrimental to highway or pedestrian safety and accordingly complies with policies TR1, TR3 and BE1 of the Local Plan and Policy BG13 of the Burton Green NDP.

Ecological impacts

Ecological matters are dealt with in the conditions on the outline planning permission and in the associated Section 106 agreement. The detailed layout proposed in this reserved matters application would have no greater ecological impact than that indicated in the outline application. Therefore, the development remains acceptable from an ecological point of view, with sufficient safeguards provided by the section 106 agreement and conditions on the outline permission.

The County Ecologist has provided a series of responses to the reserved matters application which together, largely raise no objection to the proposals themselves and also make reference to the CEMP and LEMP (which are two matters covered by conditions on the outline permission). The request for an updated Biodiversity Impact Assessment is noted, however, this is not something which can be required as part of a reserved matters application. The outline permission was subject to conditions as well as relevant provisions set out in the S.106 relating to biodiversity offsetting and it is a requirement of the outline permission that these are all discharged in accordance with stipulated triggers set out in both.

It is further worth noting that part of the site edged red is set aside specifically for biodiversity offsetting and part of the S.106 obligation discharge process will need to entail the submission of an updated Biodiversity Impact Assessment. While it is therefore not a matter for this particular application, the comments made by the County Ecologist have not been disregarded but will instead be directed to the appropriate processes through which to address them, i.e., the discharge of planning conditions and the S.106 obligations. Incidentally, officers note that the CEMP (which is site-wide) has already been discharged and while the LEMP has not formally been discharged as yet (but is being considered at the time of writing this report) this should not delay the approval of the reserved matters permission which, in the context of ecological matters, is considered acceptable.

On the basis of the comments made pursuant to this application, and in light of the context of the wider site and the duties on the applicant to fulfil their responsibilities in discharging all relevant conditions/S.106 obligations pursuant to the outline permission, officers are satisfied that so far as this application is concerned, the development is acceptable with respect to ecological impacts and accords with Local Plan policies NE2 and NE3 and Policy BG3 of the Burton Green NDP.

Drainage and flood risk

Matters related to drainage are covered by planning conditions attached to the outline permission, which, if not already approved, would be expected to be discharged prior to the commencement of development on site. It is noted however that the condition appertaining to surface water drainage has been discharged.

The comments of the Lead Local Flood Authority advised that further information would be required in order to provide full comments on the application. The additional information requested related to surface water drainage which, as set out above, was covered by condition on the outline and has since been discharged in any event. To that end officers are satisfied that this matter has been dealt with accordingly and the for the purposes of this reserved matters application, the development is acceptable in accordance with Policies FW1 and FW2 and Policy BG15 of the Burton Green NDP.

Other matters

Adapting to Climate Change/Air Quality Mitigation

Whilst not a matter for consideration under the Reserved Matters, officers note condition 29 of the outline permission requires the submission of a scheme which satisfies the requirements set out in the Council's adopted Air Quality and Planning Supplementary Planning Document (January 2019) prior to first occupation.

In addition to the above, the Design Code compliance statement sets out sustainability principles of the development which include (but are not limited to) the development adopting the fabric first approach, improving natural energy efficiency, construction waste reduction and recycling during the construction process, the use of photovoltaic cells or solar and water efficiency measures.

The significant benefit of providing new dwellings on the site is that the development would result in significantly improved dwellings in terms of sustainable construction methods. For completeness, officers consider it appropriate to add a condition to any forthcoming permission requiring a wider ranging sustainability statement. Overall, officers are satisfied that the development is acceptable in this regard.

Third party comments

The comments made by neighbours and third parties raise a number of non-material planning considerations, or matters which are material, but not relevant to the consideration of reserved matters. For the avoidance of doubt, this section of the report is intended to address those comments, where relevant, either to confirm that such matters have either been dealt with at the outline stage and/or will be dealt with at the appropriate time, through conditions and/or the S.106 discharge processes. Officers also wish to offer some comfort that due regard has been given to all relevant planning considerations so far as they are applicable to the specific reserved matters approval being sought.

It has already been mentioned elsewhere in this report that while forming part of the original hybrid permission, this current application does not include proposals for any mixed use or convenience store, which will be subject to its own application

at a later stage. This therefore cannot form part of the considerations for the residential phases.

It has also been alluded to that the original hybrid permission was subject to a number of conditions as well as S.106 obligations (for example in relation to education, healthcare, highway improvements and more) and to that end, since this is an application seeking the approval of reserved matters only, the principle of development along with the associated impacts on those aforementioned matters are not for consideration at this time since they have already been dealt with.

Linked to the principle of development is the concern expressed by some that the site was originally allocated based on incorrect housing figures for Coventry. The site forms one of many allocations in this Local Plan and was allocated some years ago now. Coupled with the fact the outline permission has been established some four years and this seeks approval for those specific reserved matters, the basis on which the site was allocated is not a matter for consideration.

It is noted that some comments have suggested the affordable units should be restricted such that they can only be made available to people who satisfy qualifying 'local occupancy' criteria and furthermore should be prohibited from being used on a 'buy to let' basis for student rent. It is neither acceptable nor appropriate to impose such restrictions on a reserved matters permission principally because the occupation of the affordable housing is strictly governed by the relevant clauses set out in the S.106 agreement. Additionally, it would not be possible, by their very nature as affordable units, for them to be purchased on a 'buy to let' basis in the same way that a market unit potentially could.

Concern has been expressed at the areas of undeveloped green space shown on the proposed layout and the potential this may present for future development. In the first instance the areas of green space are designated specifically for associated purposes as set out within this report; i.e., areas of public open space, sport, recreation and play, allotments and biodiversity offsetting. Any permission approved to date is subject to conditions and other requirements ensuring that these areas are delivered for those intended purposes. Any departure from the approved plans, conditions, S.106 requirements and Masterplan/Design Code for the site would need to be considered as a further application and without prejudice to any such application, plans to build on any of these green spaces would undermine not only the original purposes for which they were intended, but also relevant policies of the Local Plan which seek to safeguard areas of open space.

Summary / Conclusion

The site edged red forms part of a wider allocated site for housing and mixed-use development. An original hybrid permission was approved in 2018 which established the principle of development for the site as well as granting in detail the first residential phase of development for 129no. dwellings. Reserved matters approval is now sought for the remaining 296no. dwellings which make up phases 2-4 of the site as a whole. This application excludes plans for the convenience

store, land for which is reserved and shown on the proposed layout that forms part of this submission.

Officers consider the proposed development would provide a high-quality residential environment in accordance with the garden suburbs principles, and which accords with the principles of the approved Design Code for the wider site. A number of amendments have been made to the layout throughout the course of the application which have sought to address concerns noted by both officers and statutory consultees and the latest series of amendments are found to be acceptable for the reasons set out in this report.

The proposed development would include an appropriate mix of market and affordable housing and acceptable house and layout design solutions, including significant areas of landscaping and an over provision of public open space. There would be no harm arising in terms of neighbour amenity, highway safety or ecology and the standards of amenity for future occupiers are considered to either meet or exceed the guidance. As such officers consider the scheme therefore complies with the policies listed in this report and accordingly, it is recommended that planning permission be approved.

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

A934_13 and specification contained therein, submitted on 02 July 2021;

A934_12 Rev.A and specification contained therein, submitted on 25 July 2022;

A934_05 Rev.E; A934_06 Rev.E; A934_07 Rev.E; A934_08 Rev.E; A934_09 Rev.F and 'House Type Brochure' June 2021: Rev.F and specification contained therein, submitted on 11 October 2022;

DR-0500 S4-P6; DR-0501 S4-P5; DR-0502 S4-P5; DR-0503 S4-P5; DR-0504 S4-P5; DR-0505 S4-P5; DR-0511 S4-P4; DR-0512 S4-P4; DR-0513 S4-P4; DR-0514 S4-P4; DR-0515 S4-P4; DR-0516 S4-P4; DR-0517 S4-P4; DR-0518 S4-P5; DR-0519 S4-P5; DR-0520 S4-P5; DR-0521 S4-P5; DR-0522 S4-P5; DR-0523 S4-P5; DR-0524 S4-P5; DR-0525 S4-P5; DR-0526 S4-P5; DR-0527 S4-P5; DR-0528 S4-P5; DR-0534 S4-P4; DR-0535 S4-P4; DR-0536 S4-P4; DR-0537 S4-P4; A934_02 Rev.J (Sheets 1-3 of 3) and A934_61 Rev.C and specification contained therein, submitted on 25 January 2023;

DR-0528 S4-P5; DR-0529 S4-P5; DR-0530 S4-P5; DR-0531 S4-P5; DR-0532 S4-P5; DR-0533 S4-P5 and A934_04 Rev.F and specification contained therein, submitted on 30 January 2023; and

A934_71; A934_03 Rev.F and A934_11 Rev.F and specification contained therein, submitted on 06 March 2023.

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

- 2 Notwithstanding the landscaping details submitted, no part of the development hereby permitted shall commence unless and until further landscaping details (both hard and soft) for the allotments illustrated on Drg. No. 03 Rev.F and approved under this application 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 any proposed boundary walls, railings or gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.
- 3 No development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
- 4 Notwithstanding details contained within the approved documents, no development hereby permitted, other than site clearance and any other preparatory works, shall commence until a Sustainability Statement including an energy hierarchy scheme and a programme of delivery of all proposed measures shall be submitted to and approved in writing by the Local Planning Authority. The document shall include;

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

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

For the avoidance of doubt, the scheme must accord with any relevant Development Plan Document and Supplementary Planning Document relating to sustainability which has been adopted by the Council at the time the scheme is submitted.

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

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

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no gate, fence, wall or other means of enclosure shall be erected on any land between the front or side elevation of any dwelling and any road or footpath. **Reason:** Due to the open plan layout of the proposed development it is considered important to ensure that control is maintained over boundary treatments fronting the public highway.
- 6 The garaging and car parking areas for Plots 133, 140, 164, 165, 194, 196, 199, 217, 220, 243, 245, 246, 273, 276, 289, 296, 303, 307, 308, 310, 317, 318, 319, 328, 322, 323, 329, 330, 331, 332, 347, 348, 362, 363, 394, 401, 409 and 425 shall be used for the parking of private vehicles for the benefit of the occupants of those dwellings to which they relate and shall be retained and kept available for such purposes in perpetuity. **Reason:** To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and residential amenity in accordance with Policies BE3 and TR3 of the Warwick District Local Plan 2011-2029.

Application No: [W 22 / 1762](#)

Town/Parish Council: Leamington Spa
Case Officer: Theo Collum

Registration Date: 07/11/22

Expiry Date: 02/01/23

01926 456526 theo.collum@warwickdc.gov.uk

41 Portland Street, Leamington Spa, CV32 5EY

Replacement windows with specialist slimlite timber sashes to match existing geometry. FOR Mr + Mrs Talbot

This application is being presented to Committee due to the number of comments in support received, contrary to officers' recommendation.

RECOMMENDATION

It is recommended the application is refused.

DETAILS OF THE DEVELOPMENT

The application seeks planning permission to replace the existing single-glazed windows with modern double-glazed units.

THE SITE AND ITS LOCATION

41 Portland Street is Grade II Listed as one of a pair of c1824-1836 dwellinghouses, with later alterations. The dwelling is characterised by brick with painted stucco front facade and a Welsh slate roof. There are 3 storeys with a basement, upper floors windows arranged 2:2 being sash windows with sills throughout. The house is located in the Leamington Spa Conservation Area.

PLANNING HISTORY

W/21/2159 & W/2160/LB – Internal alterations, replacement/refurbishment of windows and replacement of roof windows to dormers on rear elevation – refused

W/21/0226 and W/21/0227/LB - Internal alterations, replacement/refurbishment of windows and replacement of roof windows to dormers on rear elevation – granted

RELEVANT POLICIES

- National Planning Policy Framework

Warwick District Local Plan 2011-2029

- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- BE1 - Layout and Design
- BE3 - Amenity

Royal Leamington Spa Neighbourhood Plan 2019-2029

- RLS3 - Conservation Area

Guidance Documents

- Windows in Listed Buildings & Conservation Areas (Supplementary Planning Guidance)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council – no comments

WDC Conservation - object on grounds of harm to heritage asset

Councillor Chris King – supports. Great effort has been taken to select a window that has minimum visual impact. The improvement to the building's carbon footprint will be appreciable.

Public Response - 5 neighbours support, citing environmental benefits, lack of suitable alternatives incorporating single or secondary glazing and acceptable impacts on the listed building.

ASSESSMENT

Impact on heritage assets

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

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

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

the desirability of preserving or enhancing the character or appearance of that area.”

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

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

The Council have also adopted historic building guidance entitled “Windows in Listed Buildings & Conservation Areas”. This states that Listed Building Consent and Planning Permission will not be granted for the use of aluminium, plastic (u.P.V.C.), or non-traditional timber replacement windows in Listed Buildings or in unlisted buildings in Conservation Areas. It then goes on to state that Listed Building Consent will not be granted for the use of double glazed units in Listed Buildings.

The Conservation Officer has commented as follows:

“The building’s principal elevation contains original windows, which therefore form part of the historic fabric of the building. These windows should be repaired and not replaced – replacement will only be considered to an original or historic window when beyond repair, however this has not been demonstrated to any degree. On original or historic elevations, windows in listed buildings should generally remain single glazed. The use of double-glazed units on listed buildings is generally not acceptable when replacing original sash or casement windows with glazing bars. It is usually not possible to obtain the very fine glazing bars to support double glazed units and the view of the window is distorted by the sandwich effect of the two sheets of glass. The integrity of the window is also lost as a historical component and the weight is changed considerably in respect of the original counter-balances in sash windows.

The rationale behind the proposed replacement appears to be greater energy efficiency, an approach which is supported in overall terms.

However, in considering this particular proposal, the key test is the balancing of the extent of harm to the character and integrity of the Listed Building against the public benefits associated with improved energy efficiency.

41 Portland Street is listed with the adjoining property, number 39. The list entry makes extensive reference to the layout and traditional pane arrangements of the sash windows on both properties.

The proposal includes the replacement of original windows which form part of the historic fabric of the building. Significant weight is attached to the retention of these features, the loss and replacement of which would have a significant harmful impact on the character and integrity of the Listed Building.

The replacement of those original features with more modern double glazed units would irreparably damage the character and the integrity of the Listed Building, which Members and Officers have a duty to have special regard to the desirability of preserving.

The introduction of increasingly energy efficient windows would generate a public benefit in terms of sustainability, however in this particular individual case, Officers consider that the public benefit involved is significantly outweighed by the harm to the Listed Building.

The Council's guidance on energy efficiency for historic buildings on the WDC website encourages householders to take a "whole building approach" to energy efficiency and advises that the replacement of historic or original windows will only be considered whether they are beyond repair. The guidance sets out that the use of double-glazed windows is not generally acceptable for Listed Buildings and encourages the consideration of secondary glazing which can often be undertaken without the need for Listed Building consent.

In this case, there is no indication that the existing windows are beyond repair and the use of a secondary glazing system, which can be installed behind single glazed windows to improve thermal performance, and which can be obtained as tailor-made units for historic windows could be a solution.

Secondary glazed units can be equally as efficient as double-glazed units and, if fitted discretely, need not affect the character of the building.. Modified shutters with insulation can also reduce heat loss by 60% when closed, with secondary glazing this increases to 77%."

The applicants have raised the fact that double glazing would be a public benefit in terms of environmental impact. However, as noted in the Conservation Officer's comments, there are ways in which energy efficiency can be improved without the addition of double glazing thereby involving significantly less harm to the Listed Building than is proposed here. Additionally, as this is a small-scale scheme, the level of public benefit is not considered to outweigh the extent of harm caused to the listed building via double glazing as indicated above. In any case the manufacture of new windows as proposed would likely result in a higher carbon impact than the proper repair of the original single glazed windows as well as resulting in unacceptable harm to the Listed Building and its historic fabric and the character and quality of the wider Conservation Area.

The proposals are considered to fail to comply with Local Plan Policy HE1.

Impact on the amenity of neighbouring occupiers

Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of all neighbouring residents, in terms of light, outlook and privacy.

The proposals will not result in any additional loss of amenity over and above the existing layout.

Summary

The proposals are considered to result in unacceptable harm to the listed building and its setting and there are no public benefits which are sufficient to outweigh the extent of that harm. The proposals are therefore contrary to Local Plan Policy HE1. It is recommended planning permission is refused.

REFUSAL REASONS

- 1 Policy HE1 of the Warwick District Local Plan 2011-2029 and the NPPF state that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The Council have also produced guidance on windows in listed buildings.

In the opinion of the Local Planning Authority the proposal would cause less than substantial harm to the significance of the listed building and conservation area by reason of the loss of historic fabric in the form of the existing windows and their replacement with windows of a non-traditional design and appearance. No public benefits have been identified to outweigh this harm.

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

Application No: [W 22 / 1763 LB](#)

Town/Parish Council: Leamington Spa
Case Officer: Theo Collum

Registration Date: 07/11/22

Expiry Date: 02/01/23

01926 456526 theo.collum@warwickdc.gov.uk

41 Portland Street, Leamington Spa, CV32 5EY

Replacement windows with specialist slimlite timber sashes to match existing geometry. FOR Mr + Mrs Talbot

This application is being presented to Committee due to the number of comments in support received, contrary to officers' recommendation.

RECOMMENDATION

It is recommended the application is refused.

DETAILS OF THE DEVELOPMENT

The application seeks listed building consent to replace the existing single-glazed windows with modern double-glazed units.

THE SITE AND ITS LOCATION

41 Portland Street is Grade II Listed as one of a pair of c1824-1836 dwellinghouses, with later alterations. The dwelling is characterised by brick with painted stucco front facade and A Welsh slate roof. There are 3 storeys with a basement, upper floors windows arranged 2:2 being sash windows with sills throughout. The house is located in the Leamington Spa Conservation Area.

PLANNING HISTORY

W/21/2159 & W/2160/LB – Internal alterations, replacement/refurbishment of windows and replacement of roof windows to dormers on rear elevation – refused

W/21/0226 and W/21/0227/LB - Internal alterations, replacement/refurbishment of windows and replacement of roof windows to dormers on rear elevation – granted

RELEVANT POLICIES

- National Planning Policy Framework

Warwick District Local Plan 2011-2029

- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas

Royal Leamington Spa Neighbourhood Plan 2019-2029

- RLS3 - Conservation Area

Guidance Documents

- Windows in Listed Buildings & Conservation Areas (Supplementary Planning Guidance)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council – no comments

WDC Conservation - object on grounds of harm to heritage asset

Councillor Chris King – supports. Great effort has been taken to select a window that has minimum visual impact. The improvement to the building's carbon footprint will be appreciable.

Public Response - 5 neighbours support, citing environmental benefits, lack of suitable alternatives incorporating single or secondary glazing and acceptable impacts on the listed building.

ASSESSMENT

Impact on heritage assets

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

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

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

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

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

The Council have also adopted historic building guidance entitled "Windows in Listed Buildings & Conservation Areas". This states that Listed Building Consent and Planning Permission will not be granted for the use of aluminium, plastic (u.P.V.C.), or non-traditional timber replacement windows in Listed Buildings or in unlisted buildings in Conservation Areas. It then goes on to state that Listed Building Consent will not be granted for the use of double glazed units in Listed Buildings.

The Conservation Officer has commented as follows:

"The building's principal elevation contains original windows, which therefore form part of the historic fabric of the building. These windows should be repaired and not replaced – replacement will only be considered to an original or historic window when beyond repair, however this has not been demonstrated to any degree. On original or historic elevations, windows in listed buildings should generally remain single glazed. The use of double-glazed units on listed buildings is generally not acceptable when replacing original sash or casement windows with glazing bars. It is usually not possible to obtain the very fine glazing bars to support double glazed units and the view of the window is distorted by the sandwich effect of the two sheets of glass. The integrity of the window is also lost as a historical component and the weight is changed considerably in respect of the original counter-balances in sash windows.

The rationale behind the proposed replacement appears to be greater energy efficiency, an approach which is supported in overall terms.

However, in considering this particular proposal, the key test is the balancing of the extent of harm to the character and integrity of the Listed Building against the public benefits associated with improved energy efficiency.

41 Portland Street is listed with the adjoining property, number 39. The list entry makes extensive reference to the layout and traditional pane arrangements of the sash windows on both properties.

The proposal includes the replacement of original windows which form part of the historic fabric of the building. Significant weight is attached to the retention of

these features, the loss and replacement of which would have a significant harmful impact on the character and integrity of the Listed Building.

The replacement of those original features with modern double glazed units would irreparably damage the character and the integrity of the Listed Building, which Members and Officers have a duty to have special regard to the desirability of preserving.

The introduction of increasingly energy efficient windows would generate a public benefit in terms of sustainability, however in this particular individual case, Officers consider that the public benefit involved is significantly outweighed by the harm to the Listed Building.

The Council's guidance on energy efficiency for historic buildings on the WDC website encourages householders to take a "whole building approach" to energy efficiency and advises that the replacement of historic or original windows will only be considered whether they are beyond repair. The guidance sets out that the use of double-glazed windows is not generally acceptable for Listed Buildings and encourages the consideration of secondary glazing which can often be undertaken without the need for Listed Building consent.

In this case, there is no indication that the existing windows are beyond repair and the use of a secondary glazing system, which can be installed behind single glazed windows to improve thermal performance, and which can be obtained as tailor-made units for historic windows could be a solution.

Secondary glazed units can be equally as efficient as double-glazed units and, if fitted discretely, need not affect the character of the building.. Modified shutters with insulation can also reduce heat loss by 60% when closed, with secondary glazing this increases to 77%."

The applicants have raised the fact that double glazing would be a public benefit in terms of environmental impact. However, as noted in the Conservation Officer's comments, there are ways in which energy efficiency can be improved without the addition of double glazing thereby involving significantly less harm to the Listed Building than is proposed here. Additionally, as this is a small-scale scheme, the level of public benefit is not considered to outweigh the extent harm caused to the listed building via double glazing as indicated above. In any case the manufacture of new windows as proposed would likely result in a higher carbon impact than the proper repair of the original single glazed windows as well as resulting in unacceptable harm to the Listed Building and its historic fabric and the character and quality of the wider Conservation Area.

The proposals are considered to fail to comply with Local Plan Policy HE1.

Summary

The proposals are considered to result in unacceptable harm to the listed building and its setting and there are no public benefits which are sufficient to outweigh

the extent of that harm. The proposals are therefore contrary to Local Plan Policy HE1. It is recommended planning permission is refused.

REFUSAL REASONS

- 1 Policy HE1 of the Warwick District Local Plan 2011-2029 and the NPPF state that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The Council have also produced guidance on windows in listed buildings.

In the opinion of the Local Planning Authority the proposal would cause less than substantial harm to the significance of the listed building and conservation area by reason of the loss of historic fabric in the form of the existing windows and their replacement with windows of a non-traditional design and appearance. No public benefits have been identified to outweigh this harm.

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

Planning Committee: [25 April 2023](#)

Item Number: 8

Application No: W 23 / 0089

Town/Parish Council: Whitnash

Case Officer: James Moulding

01926 456728 james.moulding@warwickdc.gov.uk

Registration Date: 03/02/23

Expiry Date: 31/03/23

83 Whitnash Road, Whitnash, Leamington Spa, CV31 2HB

Proposed minor repairs to specific areas of the timber framing, relaying of a single storey mono pitched roof, improvement of drainage of paving to the east, raising and renewal of the modern flat roof to improve internal headroom and associated adjustments, renewal of the modern stair balustrade, plastering over of modern decorative internal masonry, renewal of bathroom fittings, internal and external redecoration FOR Mr Raynor

This application is being presented to Committee as more than 5 public responses support the application in addition to support from the Town Council and it is recommended for refusal.

RECOMMENDATION

It is recommended Planning Committee refuse to grant planning permission for this application for the reasons set out in this report.

DETAILS OF THE DEVELOPMENT

This application proposes minor repairs to specific areas of the timber framing, relaying of a single storey mono pitched roof, improvement of drainage of paving to the east, raising and renewal of the modern flat roof to improve internal headroom and associated adjustments, renewal of the modern stair balustrade, plastering over of modern decorative internal masonry, renewal of bathroom fittings, internal and external redecoration.

THE SITE AND ITS LOCATION

The application site is located in Whitnash Conservation Area. 83 Whitnash Road is a Grade II listed, timber framed, semi-detached thatched cottage circa C17. It is two storey with several additions circa C19.

PLANNING HISTORY

The addition of a two storey rear extension - pre 1990.

W/22/0958 & W/22/0959/LB – Minor repairs to specific areas of the timber framing. Relaying of a single storey mono pitched roof. Improvement of drainage of paving to the east. Raising and renewal of the modern flat roof to improve internal headroom and associated adjustments. Renewal of the modern stair

balustrade. Plastering over of modern decorative internal masonry. Renewal of bathroom fittings. Internal and external redecoration. – Withdrawn.

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- BE1 - Layout and Design
- BE3 - Amenity
- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- TR3 - Parking
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Whitnash Neighbourhood Plan (2011-2029)
- W3 - Protecting Local Heritage and Identifying a Local Heritage List
- W4 - Building Design Principles

SUMMARY OF REPRESENTATIONS

Whitnash Town Council: Support;

- Application seems necessary to prevent water damage and further rotting to existing building.

Conservation: Objection to increased height of two storey rear extension;

- Harm to listed asset - Increase in eaves height above that of the original dwelling eaves, it would no longer be subservient and would now overwhelm the original dwelling.
- Proposal would have a harmful impact on the conservation area by overwhelming the core of the historic cottage and undermining the character and significance of this important piece of heritage within the area.
- Benefits are considered to be small when weighed against the harm to the building and would be private rather than public.
- No objection to other proposed internal and restorative works.

WCC Ecology: Objection pending photos to determine need for preliminary bat survey - disproportionate for householders, explanatory note attached.

Public Response: 7 Support comments raising both material and non-material planning considerations (summarised below):

- Preservation of historic asset
- No impact on conservation area - development at rear
- Allows property to be more useable for domestic purposes
- Sympathetic to historic nature of the building
- Improvements to sustainability - insulation

ASSESSMENT

BE1 Design, HE1 Impact on Heritage Asset, & HE2 Impact on Conservation Area

The NPPF (2019) places an increased emphasis on the importance of achieving good quality design as a key aspect of sustainable development. Paragraph 130 states that planning decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate external facing materials. Development is expected to function well and add to the overall quality of the area by appearing sympathetic to the local character and history.

Local Plan Policy BE1 echoes paragraph 130 of the NPPF and states that new development will be permitted where it positively contributes to the character and quality of its environment through good layout and design. Proposals are expected to demonstrate that they harmonise with, or enhance, the existing settlement in terms of physical form, patterns of movement and land use. Proposals are also expected to reinforce or enhance the established urban character of streets and reflect, respect and reinforce local architectural distinctiveness. The Council's adopted Residential Design Guide SPD provides guidance to help make the assessment of good design under Policy BE1.

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

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 explains that in considering whether to grant permission for developments affecting listed buildings or their setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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

The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is supported by Policy HE1 of the Warwick District Local Plan 2011-2029 which states that development will not be permitted if it would lead to substantial harm to or total loss of the significance of a designated heritage asset, unless it is demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

Whitnash Neighbourhood Plan Policy W3: Protecting Local Heritage and Identifying a Local Heritage List, states that the renovation or alteration of buildings or structures identified on the Local Heritage List should be designed sensitively, and with careful regard to the heritage asset's historical and architectural interest and setting.

Whitnash Neighbourhood Plan Policy W4: Building Design Principles, states that all new development proposals and particularly those within or in close proximity to Whitnash Church Green and Chapel Green Conservation Area are encouraged to demonstrate how they have taken into account the following issues; new development should be of a scale, mass and built form which responds to the characteristics of the site and its surroundings, and that building alterations or extensions particularly in the Conservation Area should be sensitive to the local context in terms of materials, design, colour scheme, scale and structure.

Both Officers and the Conservation Officer raise objection to the proposed increase in height of the existing two storey rear extension. The proposed extension would raise the eaves of the rear extension above that of the original dwellinghouse. This would contravene Local Plan Policy BE1 by way of the extension no longer being subservient to the original dwellinghouse. The proposed flat roof would also contravene the Residential Design Guide SPD which states that two storey flat roofed extensions are not considered acceptable or appropriate.

In the comments from the Conservation Officer, it is viewed that the existing extension would not be granted in its current form but that its existence is currently felt to be inert, however the increase in height would compound and increase the harm. The Conservation Officer goes on to say;

As stated previously, this proposed extension would result in an increase in roof height and massing which would further increase the impact of the extension upon the listed building, resulting in a two storey, flat roof extension which overwhelms the rear elevation and now sits above the eaves. Whilst the present extension is certainly not ideal, it at least sits low enough to be subservient to the historic core of the house.

It is the view of the Local Planning Authority that the proposed extension would contravene Whitnash Neighbourhood Plan Policies W3, W4, and Local Plan Policy HE1 by way of overwhelming the original property through increasing the eaves height of the extension above that of the original dwelling which would not respect the scale or the heritage asset's historical and architectural interest. The proposed two storey flat roofed rear extension is felt to create less than substantial harm to the character and significance of the listed building.

Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Any benefits of this proposal are felt to be private in nature. There are no public benefits to outweigh the harm that has been identified.

The property also sits within Whitnash Conservation Area. To this point, the Conservation Officer also feels that the proposal would contravene Local Plan Policy HE2 by having a direct harmful impact upon the conservation area through overwhelming the core of the historic cottage and undermining the character and significance of this important piece of heritage within the area.

The Local Planning Authority shares the view of the Conservation Officer that the other works proposed, such as the recovering of the porch, and the internal works could be acceptable if considered separately.

It is the view of the Local Planning Authority that the proposed development would contravene Whitnash Neighbourhood Plan Policies W3, W4, Local Plan Policies BE1, HE1, HE2, and the Residential Design Guide SPD and that there are no public benefits which would outweigh the harm.

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

BE3 Neighbouring Amenity

Policy BE3 of the Warwick District Local Plan states that new development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents. Furthermore, the Residential Design Guide Supplementary Planning Document includes the 45 Degree Guideline which aims to prevent any unreasonable effect on the neighbouring property by reason of loss of daylight or sunlight and by creating an unneighbourly and overbearing effect.

No element of the scheme including the two storey rear extension would result in a breach of the Residential Design Guide SPD 45-degree guideline to windows serving habitable rooms of adjacent properties. As a result the proposed scheme is not viewed to result in the generation of material harm by way of loss of light or outlook. It is also not considered to generate any additional overlooking over and above what is already existing.

It is considered that the proposal would be in accordance with Local Plan Policy BE3 and the Residential Design Guide SPD.

Ecology

The County Ecologist has recommended that photos should be submitted in order to determine if a preliminary bat survey should be requested prior to the determination of the application. I have considered this request and note that the existing dwelling is located within a built up area with other dwellings in close proximity to the dwelling.

On this basis, I do not consider that it is appropriate or practicable to request a bat survey be submitted. In coming to this conclusion, I am mindful of location of the property, the characteristics of the local area and the fact that bats are a protected species under separate legislation and there is a duty of care by the applicants to ensure protected species are not harmed by the proposal.

On the basis of the above, I consider that the imposition of an explanatory note regarding the applicant's responsibility with regard to protected species is sufficient in this case.

Parking and highway safety

Policy TR3 of the Warwick Local Plan seeks to ensure parking provision associated with development proposals is reflective of the local area and is in accordance with the Parking Standards SPD.

The proposed works would not result in the creation of any additional bedroom spaces, and the required parking provision at the site would not change, in line with the WDC Parking Standards SPD.

No highway implications are therefore noted as a result of the proposed development. The development is viewed to appropriately accord with Local Plan Policy TR3.

SUMMARY/CONCLUSION

For the reasons outlined above, Members are recommended to refuse permission for the proposed works.

REFUSAL REASONS

- 1 Policy HE1 of the Warwick District Local Plan 2011-2029 and the NPPF state that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. In addition, Neighbourhood Plan Policies W3 and W4 set out a number of design characteristics that should be upheld to retain the unique features and character of both the Whitnash Conservation Area and locally listed heritage assets.

In the opinion of the Local Planning Authority the proposal would cause less than substantial harm to the significance of the listed building and conservation area by reason of raising the height of the two storey rear extension. This addition is viewed as inappropriate in terms of scale, subservience, and failing to enhance or preserve the historic architectural features of the listed building. No public benefits have been identified to outweigh this harm.

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

- 2 Policy BE1 of the Warwick District Local Plan 2011-2029 states that development will only be permitted which positively contributes to the character and quality of the environment through good design. The Council has also adopted The Residential Design Guide as a Supplementary Planning Document (SPD).

In the opinion of the Local Planning Authority, the proposed increase in height of the existing two storey rear extension with a flat roof constitutes poor design, failing to respect the scale, design and character of the original property. As proposed, the eaves of this extension would be raised above the eaves of the original dwellinghouse, resulting in the

extension no longer being subservient to the main dwellinghouse. Additionally, the proposed two storey flat roof would contravene the Residential Design Guide SPD. The extension is not considered to harmonise with the character of the existing dwelling nor the streetscene, nor add to the overall quality of the area.

The proposal is therefore contrary to the NPPF, Policy BE1 and the Residential Design Guide SPD which promotes good design.

Planning Committee: 25 April 2023

Item Number: 9

Application No: [W 23 / 0090 LB](#)

Town/Parish Council: Whitnash

Case Officer: James Moulding

01926 456728 james.moulding@warwickdc.gov.uk

Registration Date: 03/02/23

Expiry Date: 31/03/23

83 Whitnash Road, Whitnash, Leamington Spa, CV31 2HB

Proposed minor repairs to specific areas of the timber framing, relaying of a single storey mono pitched roof, improvement of drainage of paving to the east, raising and renewal of the modern flat roof to improve internal headroom and associated adjustments, renewal of the modern stair balustrade, plastering over of modern decorative internal masonry, renewal of bathroom fittings, internal and external redecoration FOR Mr Raynor

This application is being presented to Committee as the Town Council supports the application and it is recommended for refusal.

RECOMMENDATION

It is recommended Planning Committee refuse to grant Listed Building Consent for this application for the reasons set out in this report.

DETAILS OF THE DEVELOPMENT

This application proposes minor repairs to specific areas of the timber framing, relaying of a single storey mono pitched roof, improvement of drainage of paving to the east, raising and renewal of the modern flat roof to improve internal headroom and associated adjustments, renewal of the modern stair balustrade, plastering over of modern decorative internal masonry, renewal of bathroom fittings, internal and external redecoration.

THE SITE AND ITS LOCATION

The application site is located in Whitnash Conservation Area. 83 Whitnash Road is a Grade II listed, timber framed, semi-detached thatched cottage circa C17. It is two storey with several additions circa C19.

PLANNING HISTORY

The addition of a two storey rear extension - pre 1990.

W/22/0958 & W/22/0959/LB – Minor repairs to specific areas of the timber framing. Relaying of a single storey mono pitched roof. Improvement of drainage of paving to the east. Raising and renewal of the modern flat roof to improve internal headroom and associated adjustments. Renewal of the modern stair balustrade. Plastering over of modern decorative internal masonry. Renewal of bathroom fittings. Internal and external redecoration. – Withdrawn.

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- HE1 - Protection of Statutory Heritage Assets
- Whitnash Neighbourhood Plan (2011-2029)
- W3 - Protecting Local Heritage and Identifying a Local Heritage List

SUMMARY OF REPRESENTATIONS

Whitnash Town Council: Support;

- Application seems necessary to prevent water damage and further rotting to existing building.

Conservation: Objection to increased height of two storey rear extension;

- Harm to listed asset - Increase in eaves height above that of the original dwelling eaves, it would no longer be subservient and would now overwhelm the original dwelling.
- Proposal would have a harmful impact on the conservation area by overwhelming the core of the historic cottage and undermining the character and significance of this important piece of heritage within the area.
- Benefits are considered to be small when weighed against the harm to the building and would be private rather than public.
- No objection to other proposed internal and restorative works.

Public Response: 1 Support comment raising both material and non-material planning considerations (summarised below):

- No impact on conservation area - development at rear
- Allows property to be more useable for domestic purposes
- Improvements to sustainability - insulation

ASSESSMENT

HE1 Impact on Heritage Asset

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

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 explains that in considering whether to grant permission for developments affecting listed buildings or their setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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

The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is supported by Policy HE1 of the Warwick District Local Plan 2011-2029 which states that development will not be permitted if it would lead to substantial harm to or total loss of the significance of a designated heritage asset, unless it is demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

Whitnash Neighbourhood Plan Policy W3: Protecting Local Heritage and Identifying a Local Heritage List, states that the renovation or alteration of buildings or structures identified on the Local Heritage List should be designed sensitively, and with careful regard to the heritage asset's historical and architectural interest and setting.

Both the Local Planning Authority and the Conservation Officer raise objection to the proposed increase in height of the existing two storey rear extension. In the comments from the Conservation Officer, it is viewed that the existing extension would not be granted in its current form but that its existence is currently felt to be inert, however the increase in height would compound and increase the harm. The Conservation Officer goes on to say;

As stated previously, this proposed extension would result in an increase in roof height and massing which would further increase the impact of the extension upon the listed building, resulting in a two storey, flat roof extension which overwhelms the rear elevation and now sits above the eaves. Whilst the present extension is certainly not ideal, it at least sits low enough to be subservient to the historic core of the house.

It is the view of the Local Planning Authority that the proposed extension would contravene Whitnash Neighbourhood Plan Policy W3, and Local Plan Policy HE1 by way of overwhelming the original property through increasing the eaves height of the extension above that of the original dwelling which would not respect the heritage asset's scale or historical and architectural interest. The proposed two storey flat roofed rear extension is felt to create less than substantial harm to the character and significance of the listed building.

Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Any benefits of this proposal are felt to be private in nature. There are no public benefits to outweigh the harm that has been identified.

The Local Planning Authority shares the view of the Conservation Officer that the other works proposed, such as the recovering of the porch, and the internal works could be acceptable if considered separately.

It is the view of the Local Planning Authority that the proposed development would contravene Whitnash Neighbourhood Plan Policy W3 and Local Plan Policy

HE1. It is considered that there are no public benefits which would outweigh the harm.

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

SUMMARY/CONCLUSION

For the reasons outlined above, Members are recommended to refuse Listed Building Consent for the proposed works.

REFUSAL REASONS

- 1 Policy HE1 of the Warwick District Local Plan 2011-2029 and the NPPF state that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. In addition, Neighbourhood Plan Policy W3 set out a number of design characteristics that should be upheld to retain the unique features and character of both the Whitnash Conservation Area and locally listed heritage assets.

In the opinion of the Local Planning Authority the proposal would cause less than substantial harm to the significance of the listed building by reason of raising the height of the two storey rear extension. This addition is viewed as inappropriate in terms of scale, subservience, and failing to enhance or preserve the historic architectural features of the listed building. No public benefits have been identified to outweigh this harm.

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

Application No: TPO 574

Case Officer: Jonathan Hazell

The Sycamores, Sydenham Drive, Leamington Spa, CV31 1PB
Confirmation of Provisional Tree Preservation Order relating to three early
mature maple trees

This Tree Preservation Order (TPO) is being presented to Committee because objections have been received to it being confirmed.

RECOMMENDATION

Planning Committee is recommended to authorise officers to confirm TPO 574.

BACKGROUND

The Council was made aware in October 2022 of a proposal to potentially introduce new development at this site which may threaten the trees in question by their removal.

ASSESSMENT

The three trees in question, because of their position toward the boundary of the site on sloping ground (increasing their visibility), are considered to make a significant contribution toward the public amenity in the surrounding area. They are readily visible from the public realm, and are relatively unusual in that there are few trees of such stature and visibility within the area. The Order was served to protect and preserve the public amenity, in accordance with the relevant guidance which sets out that:

"Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future."

The Order was served to allow the Council some oversight of the work that might be undertaken to the trees and an opportunity to prevent their felling which, in the opinion of the Council, would have a significant negative impact on the local environment and its enjoyment by the public.

The trees have been assessed for their TPO quality using the nationally recognised TEMPO method of assessment. The trees scored 19; the TEMPO guidance is that where the score is 16 or more the making of a TPO is merited (if there are no other mitigating circumstances).

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

OBJECTION

Following the serving of the Order an objection was received from the site owners focussing upon:-

- the need for further development to secure the financial stability and longevity of the charity and the service that the site provides.
- the opportunities that the development would provide to enhance the rehabilitation of the clients using the site.

KEY ISSUES

The two key issues to be addressed in deciding whether or not to confirm the Tree Preservation Order are:-

- whether the three trees are of sufficient amenity importance to justify a TPO, and
- whether the public benefit afforded by the three trees outweighs the benefits that any possible further development at the site would provide.

In response to the objections raised, it is considered that:

1. The trees are undoubtedly prominent and provide a significant contribution toward public amenity.
2. Their loss would have a significant negative impact on the local environment and its enjoyment by the public.
3. The confirmation of the Order would ensure the retention of the trees at a minimum until such time as a planning application is submitted for further development at the site, thereby enabling the public benefit of the retained trees to be considered as part of the planning balance in assessing that application.
4. The serving of the Order is the only mechanism available to seek to influence what happened to the trees. The effect of the Order is not to deny the owner the opportunity to carry out work, but rather merely to allow the Local Planning Authority oversight and to grant consent for what is considered to be work that is appropriate in the wider public interest.

SUMMARY/CONCLUSION

It is not considered that the issues raised in objection to the TPO are sufficient to outweigh the significant visual amenity contribution which the group of three trees made to the surrounding area and therefore it is expedient to confirm this TPO.